

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FREEDOM OF THE PRESS FOUNDATION,
et al.,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

Case No. 26-cv-1402-JDB

DECLARATION OF KAYVAN FARCHADI

I, Kayvan Farchadi, hereby declare as follows:

1. I am Senior Counsel at Citizens for Responsibility and Ethics in Washington (“CREW”) and counsel for CREW in the above-captioned action. I make this declaration based on my personal knowledge and thorough consultation with my colleagues at CREW and review of CREW’s files.

2. CREW, a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code, is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, ensuring the integrity of government officials and agencies, and empowering citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions.

3. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of its mission-critical functions, CREW routinely requests and utilizes government records made available to it under the Freedom of Information Act (“FOIA”), the

Ethics in Government Act, the Federal Advisory Committee Act, and other federal transparency laws.

4. CREW reviews and analyzes the records it receives in relation to newsworthy developments regarding, among others, government ethics, corruption, and the influence of money in politics. CREW uses that information to create public-facing reports, draft administrative complaints, requests for investigation, and public testimony and letters to Congress regarding oversight matters, and to craft targeted FOIA requests for additional information. CREW widely disseminates these materials to the public through its website, which receives hundreds of thousands of page views every month.

5. Because of its pervasive reliance on government records, CREW has a strong operational interest in ensuring government compliance with recordkeeping laws, including the Presidential Records Act (“PRA”) and the Federal Records Act (“FRA”). The unlawful destruction, alienation, or removal of Presidential and federal records relevant to CREW’s work impedes its ability to fulfill its mission and its informational rights under FOIA. To vindicate its interests, CREW has brought numerous lawsuits to obtain government records, including *CREW v. Trump*, 924 F.3d 602 (D.C. Cir. 2019), *CREW v. Trump*, 438 F. Supp. 3d 54 (D.D.C. 2020), and *National Security Archive v. Trump*, No. 20-3500 (D.D.C. Dec. 1, 2020).

6. CREW has made multiple FOIA requests to the National Archives and Records Administration (“NARA”) for Presidential records, including one such request for records from the first Trump administration that is currently pending. That request seeks records concerning

President Trump’s compliance with the U.S. Constitution’s Foreign and Domestic Emoluments Clauses and records concerning Trump’s broad exercise of the pardon power.¹

7. CREW has likewise made numerous FOIA requests to components of the Executive Office of the President that are subject to the FRA rather than the PRA, including the Office of Management and Budget (“OMB”). CREW’s pending FOIA requests to OMB include records related to the creation and operation of the U.S. DOGE Service,² requests for apportionments for and obligations incurred by DOGE,³ and OMB review of agency budget justifications and documents apportioning appropriations.⁴

8. In furtherance of its mission, CREW relies on Presidential and federal records, obtained through FOIA and otherwise, to inform the public about the conduct of the President and White House. CREW has published scores of reports regarding that conduct, many of which relate to official acts that are required to be documented by the PRA.⁵ CREW has also pursued litigation

¹ https://www.citizensforethics.org/wp-content/uploads/2026/04/CREW-NARA-FOIA_Redacted.pdf

² https://www.citizensforethics.org/wp-content/uploads/2026/04/CREW-NARA-FOIA_Redacted.pdf

³ <https://www.citizensforethics.org/wp-content/uploads/2025/03/2025.03.28-OMB-DOGE-Apportionments-FOIA-Request.pdf>

⁴ <https://www.citizensforethics.org/wp-content/uploads/2025/03/2025.03.28-OMB-Apportionment-Website-Removal.pdf>

⁵ See, e.g., *Trump’s Unprecedented Meddling Has Turned OGE into a Revolving Door*, CREW (Dec. 19, 2025), <https://www.citizensforethics.org/reports-investigations/crew-investigations/trumps-unprecedented-meddling-has-turned-oge-into-a-revolving-door/>; *How President Trump is Dismantling Our Democracy, One Piece at a Time*, CREW (Oct. 23, 2025), <https://www.citizensforethics.org/reports-investigations/crew-reports/how-president-trump-is-dismantling-our-democracy-one-piece-at-a-time/>; *Trump Has Granted Clemency to 20 Corrupt Politicians—So Far*, CREW (June 2, 2025), <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-has-granted-clemency-to-16-corrupt-politicians-so-far/>; *Tracking Trump’s Unprecedented—Often Illegal—Firings of Political Appointees and Watchdogs*, CREW (Mar. 31, 2025), <https://www.citizensforethics.org/reports-investigations/crew-reports/tracking-trumps-unprecedented-often-illegal-firings-of-political-appointees-and-watchdogs/>.

relying on Presidential records released by Congress. *See* Verified Pet., *Anderson v. Griswold*, No. 2023CV3257, 2023 WL 8006216 (Colo. Dist. Ct. 2023) (CREW serving as counsel to petitioners).

9. CREW intends to submit additional FOIA requests for Presidential records from the first Trump administration, the Biden administration, the second Trump administration, and other administrations, if and when they become available pursuant to FOIA and the PRA.

10. CREW further intends to submit additional FOIA requests for agency records from EOP components subject to the FRA, including OMB.

11. CREW's ability to obtain the requested public records is essential to its mission to promote government transparency and accountability and to disseminate information about government activity to the public. The failure to preserve Presidential and federal records as required by law frustrates CREW's ability to fulfill its mission to inform the public about matters of significant public interest and importance.

12. While Presidential records have always been vital to CREW's mission, recent history and current circumstances make them especially so.

13. Earlier this year, President Trump and the White House Counsel's Office determined that the PRA is unconstitutional and requested that the Department of Justice's Office of Legal Counsel ("OLC") issue an opinion to that effect.

14. On April 1, 2026, OLC issued a sweeping opinion declaring the PRA "unconstitutional" and "invalid in its entirety."⁶

⁶ *Constitutionality of the Presidential Records Act*, 50 Op. O.L.C. __ at 1, 50 (April 1, 2026), <https://perma.cc/V4M7-NQFA>.

15. On April 2, 2026, the White House issued a revised recordkeeping policy adopting the OLC Opinion and, per that policy, is no longer complying with the PRA (the “April 2 EOP Policy” or “EOP Policy”).⁷

16. On April 9, 2026, Plaintiff CREW sent a letter to White House Counsel Warrington, asking him to confirm by 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.” A true and correct copy of that letter was attached to the complaint and is attached hereto as Exhibit B. CREW has received no response to date

17. On April 9, 2026, CREW sent a letter to NARA asking it to confirm by April 15, 2026 whether it has “adopted any or all portions of the OLC Opinion and whether NARA has adopted, or is planning to adopt, any change in its operations as a result of the OLC Opinion.” A true and correct copy of that letter was attached to the complaint and is attached hereto as Exhibit C. CREW has received no response to date.

18. President Trump’s and his Administration’s demonstrated hostility to public records laws has already irreparably harmed, and will continue to harm, CREW’s ability to obtain and utilize Presidential records in performing their mission-critical functions.

19. President Trump set an example of outright hostility to PRA compliance during his first term, as he, for example, routinely destroyed notes at the close of meetings,⁸ posted and then

⁷ A true and correct copy of the EOP Policy was attached to the Complaint and is attached hereto as Exhibit A, Memorandum from David Alan Warrington, Assistant to the President and Couns. to the President, Records Retention Policy After Office of Legal Counsel Finding that the Presidential Records Act is Unconstitutional (Apr. 2, 2026).

⁸ Annie Karni, *Meet the Guys Who Tape Trump’s Papers Back Together*, Politico (June 10, 2018), <https://politi.co/33cqS7p>; Jill Lepore, *Will Trump Burn the Evidence?*, New Yorker (Nov. 16, 2020), <https://bit.ly/3kZesWy>.

deleted Tweets (which according to both NARA and the White House violates the PRA),⁹ confiscated records of his one-on-one meeting with Russian President Vladimir Putin during the 2017 G20 meeting,¹⁰ and maintained a general antipathy toward note-taking that included chastising the then-White House Counsel for taking notes in meetings.¹¹

20. President Trump's disdain for public records laws during his first term culminated in his unlawful retention and obstruction of justice in concealing a large cache of Presidential records containing highly-classified and controlled information when he left office, for which he was indicted on 40 felony counts.¹²

21. The President's and his Administration's hostility to public records laws has escalated in his second term, as evidenced by the White House Counsel's pre-determination that the PRA was unconstitutional and its reliance on the OLC Opinion as cover to ignore the law.

22. The OLC Opinion comes in the wake multiple high-profile, embarrassing, and troubling examples of the President and other White House officials conducting sensitive government business on private electronic applications like Truth Social¹³ and Signal.

⁹ Lepore, *supra* note 4; Rachel Treisman, *As President Trump Tweets and Deletes, the Historical Record Takes Shape*, NPR (Oct. 25, 2019), <https://perma.cc/U6ZU-E6B5>.

¹⁰ Peter Baker, *Trump and Putin Have Met Five Times, What Was Said Is a Mystery*, N.Y. Times (Jan. 15, 2019), <https://nyti.ms/397bQDK>; Greg Miller, *Trump Has Concealed Details of His Face-to-face Encounters with Putin from Senior Officials in Administration*, Wash. Post (Jan. 13, 2019), <https://wapo.st/3fqArEy>.

¹¹ Special Couns. Robert S. Mueller, III, Report on the Investigation Into Russian Interference In the 2016 Election, Vol. II, at 117 (2019).

¹² Superseding Indictment, *United States v. Trump*, 740 F. Supp. 3d 1245 (S.D. Fla. 2024) (No. 23-CR-80101), <https://perma.cc/NA2L-GCPK>.

¹³ Kyle Cheney, *'We Can't Delay Any Longer': Trump Urges Bondi to Prosecute His Rivals*, Politico (Sept. 20, 2025), <https://www.politico.com/news/2025/09/20/trump-bondi-truth-social-00574380>; Kristen Welker & Rebecca Shabad, *Trump Accidentally Posted Message Pressuring Pam Bondi to Charge His Enemies, Source Says*, NBC News (Oct. 10, 2025), <https://perma.cc/LJ28-ZDMV>.

23. For example, from March 11 to March 15, 2025, Vice President Vance, Chief of Staff for the National Security Council Brian McCormack, National Security Advisor Mike Waltz, White House Deputy Chief of Staff for Policy Stephen Miller, and Defendant Wiles, in addition to multiple cabinet secretaries and other officials, participated in a group chat on Signal, in which the group discussed impending military operations in Yemen, including attack plans, putting America's war plans and the welfare of members of the United States armed forces at risk.¹⁴ The Signal chat only came to light because they also inadvertently included a reporter.¹⁵

24. The PRA's public access and FOIA provisions are also currently more valuable to CREW's mission because of the non-consecutive nature of President Trump's administrations. Because President Trump's presidential terms have not been consecutive, the records from his first administration are currently subject to FOIA pursuant to the PRA. They therefore shed unique light on President Trump and those with whom he has chosen to surround himself.

25. Access to Presidential records is essential for CREW to fulfill its core mission. The ongoing failure of the White House Defendants to meet their obligations under the PRA to create, preserve, and eventually transmit to NARA the records of their actions and the performance of their duties, and their failure to treat those records as the property of the United States rather than

¹⁴ Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, Atlantic (Mar. 24, 2025), <https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>; Jeffrey Goldberg & Shane Harris, *Here are the Attack Plans That Trump's Advisers Shared on Signal*, Atlantic (Mar. 26, 2025), <https://www.theatlantic.com/politics/archive/2025/03/signal-group-chat-attack-plans-hegseth-goldberg/682176/>; Dep't of Def. Off. of Inspector Gen., *Evaluation of the Secretary of Defense's Reported Use of a Commercially Available Messaging Application for Official Business* (Dec. 2, 2025), <https://www.politico.com/f/?id=0000019a-ea21-dd9e-afba-fa6d21b50000>; Owen Scott, *JD Vance Texted in Hegseth's Infamous Signalgate Group at 2:30am After Scandal Broke*, Independent (Dec. 5, 2025), <https://www.independent.co.uk/news/world/americas/us-politics/jd-vance-hegseth-signal-chat-houthi-yemen-b2878815.html>.

¹⁵ See *supra* note 10.

the personal property of President Trump, has and will continue to prevent CREW from accessing the documentary history of this administration, whether through FOIA or other traditional investigative and journalistic methods.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 27, 2026

Respectfully submitted,

/s/ Kayvan Farchadi

Kayvan Farchadi

Exhibit A

Memorandum

Date: April 2, 2026

From: David Alan Warrington, Assistant to the President and Counsel to the President

Re: Records Retention Policy After Office of Legal Counsel Finding that the Presidential Records Act is Unconstitutional

The Presidential Records Act (“PRA”) purports to require the President to preserve all documentary material related to the performance of the President’s constitutional, statutory, or other official or ceremonial duties. The 1978 law is a significant departure from historical practice. For 200 years the presidency existed without the legislative branch invading the rights of the executive branch. Instead, presidential records were considered property of the President. Reacting to President Nixon’s resignation and the Watergate scandal, Congress chose a path never before or since enacted – a law compelling the creation, retention, and disclosure of presidential records.

Because Congress never had the Article I power to regulate the President’s records in the manner contemplated by the PRA, the Office of White House Counsel asked the Department of Justice’s Office of Legal Counsel (“OLC”) to review the constitutionality of the PRA. OLC concluded that the PRA is unconstitutional for two reasons: it exceeds Congress’s enumerated and implied powers, and it aggrandizes Congress at the expense of the constitutional independence and autonomy of the President.

The purpose of this memorandum is to provide guidance on how the EOP will preserve records in light of OLC’s determination.

Staff should carefully review this guidance to ensure that they are appropriately saving presidential records. This guidance applies to both classified and unclassified materials. Components are free to retain the records retention policies developed under the PRA.

Records Policy

Records Generally. The National Archives and Records Administration states that federal records are information made or received in connection with the transaction of public business. Even in the absence of the PRA, EOP staff should preserve any material related to the performance of their duties. Records may be relevant to ongoing or future litigation, and thus may be subject to other legal preservation requirements. The medium of the material does not matter – printed, electronic, or hand-written materials are considered records and should be saved if they are related to the performance of EOP staff duties.

Records Custody. The Office of White House Counsel will coordinate regarding the ownership and storage of records. EOP staff do not have any ownership of records created or obtained in the performance of their duties. When leaving EOP employment, EOP staff may not take any records.

Electronic Records. As a matter of prudence, the electronic records of EOP employees will be preserved. This includes both emails and any electronic records saved. EOP staff should conduct all work-related communications via your official EOP email account. Materials created or edited by EOP staff should be saved on your EOP laptop or the EOP network. Staff cannot permanently delete emails or materials saved to an EOP laptop or the EOP network.

Paper Records. EOP staff should preserve paper records necessary to the performance of their duties. Extra copies of material do not need to be saved. EOP staff is encouraged to routinely file any paper records with the Office of Records Management (askORM@who.eop.gov).

Personal Records. EOP staff are not required to preserve personal documents that do not relate to their duties.

Text Messaging. Under the PRA, no presidential administration required EOP staff to transcribe phone calls, meetings, or informal discussions, even though the broad and unconstitutional text of the PRA certainly suggests that this would be required. Complying with such a requirement would be immensely time consuming and costly. Similarly, as text messaging becomes more akin to speaking every day, preserving all text messages would create an enormous technological burden while chilling the ability of presidential advisors to provide candid advice. Text messages should only be preserved when they are the sole record of official decision-making, government action, or contain unique information not available elsewhere. Furthermore, staff is encouraged to ensure that any decision-making, government

action, or unique information is memorialized in a more accessible format, such as an email or memorandum. Text messages reflecting personal conversations, workplace gossip, ministerial tasks or other workplace minutiae (e.g., “call me”, “what room for the meeting”, “there is a typo in the first line of the memo”) do not need to be preserved. For example:



Staff unsure of whether a text message should be preserved should contact the Office of White House Counsel.

Duty to Preserve. EOP staff should ensure that both electronic and paper records are preserved. Staff should avoid using personal devices for government business whenever possible as the conduct of government business on personal devices has the potential to require the examination of personal devices in litigation or in response to congressional oversight requests. As described above, text messages that are the sole record of official decision-making, government action, or unique information should either be stored on an EOP system as soon as possible or memorialized in an email or memorandum.

Training. The Office of White House Counsel will conduct **mandatory** records trainings. Staff should make every effort to participate.

Exhibit B



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).

April 9, 2026

Page 2

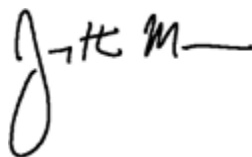
The PRA further mandates the preservation, and manner of preservation, of Presidential records at the end of each administration and creates statutory rights to public access to those records, with certain conditions, after a sufficient period has passed.⁷ And it vests in Congress a special right to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

[REDACTED]

Sincerely,

A handwritten signature in black ink that reads "J Maier". The signature is stylized, with a large, looped initial "J" and a horizontal line extending from the end of the name.

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).

Exhibit C



April 9, 2026

Edward Forst
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue NW
Washington, DC 20408

William P. Fischer
Acting Chief Records Officer
National Archives and Records Administration
8601 Adelphi Road, Room 2800
College Park, MD 20740
william.fischer@nara.gov

Re: NARA Compliance with the Presidential Records Act

Dear Messrs. Forst and Fischer:

I write on behalf of Citizens for Responsibility and Ethics in Washington (CREW) regarding the National Archives and Records Administration's (NARA) 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 purports to unilaterally invalidate the PRA in its entirety and immediately free, if not compel, NARA and its officers to violate the PRA's 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,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 documents,⁵ and requires compliance with a multi-step process (including procuring the

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).

April 9, 2026

Page 2

written opinion of the Archivist and notifying Congress) before any such destruction.⁶

The PRA also obligates the Archivist to take various, particular steps to collect and maximize public access to Presidential records. Among them are legal mandates to the Archivist to take “responsibility for the custody, control, and preservation of, and access to” the former president’s records, “secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials,” and make such records “available to the public as rapidly and completely as possible.”⁷ And the PRA provides the public with unambiguous statutory rights to Presidential records through the processes of the Freedom of Information Act,⁸ and provides Congress with an even more powerful right to access Presidential records when needed to conduct its business.⁹

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.”¹⁰ Because the Department of Justice purports that OLC opinions are controlling on Executive Branch Officials, including those at NARA,¹¹ the OLC Opinion purports to require NARA and its officials to immediately violate the PRA so as not to negatively impact the “constitutional independence and autonomy of the Executive.”¹² This is so regardless of the fact that neither the White House, the President, nor NARA or its officers have 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 NARA thus implicates paramount issues regarding the public’s right to know about the official acts 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 15, 2026 whether NARA has adopted any or all portions of the OLC Opinion and whether NARA 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 [REDACTED]

⁶ *Id.* § 2203(d).

⁷ *Id.* §§ 2203(g)(1); 2112(c)

⁸ *Id.* § 2204.

⁹ *Id.* § 2205(2)(A)–(C).

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

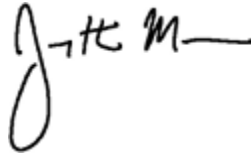
¹¹ U.S. Dep’t of Just., Off. of Legal Couns., Memo. for Att’y’s of the Off. (July 16, 2010), <https://www.justice.gov/olc/page/file/1511836/dl?inline>.

¹² 50 Op. O.L.C. (slip op. at 1).

April 9, 2026

Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Maier". The signature is stylized, with a large, looped initial "J" and a horizontal line extending from the end of the name.

Jonathan Maier

Senior Litigation Counsel

Citizens for Responsibility and Ethics in Washington