



Archivist of the
United States

October 7, 2022

The Honorable James Comer
Ranking Member
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515-6143
By Email

Dear Ranking Member Comer:

I write in response to the letter of October 4, 2022, in which you raised “concerns that NARA has been treating the Trump Administration’s handling of presidential records as a partisan political issue.” You wrote:

It is particularly concerning that in February 2022, NARA officials requested Committee Democrat staff meet with NARA officials—including apparently General Counsel Gary Stern—without invitation to Committee Republicans about this ongoing matter. E-mail documentation shows the February 28, 2022, meeting was to discuss ‘the letter,’ which presumably meant either the February 9, 2022, letter from Committee Chairwoman Carolyn Maloney to NARA or the agency’s February 18, 2022, letter to the Chairwoman.

As reflected in the documents that NARA provided to your staff, and [posted on our website](#), on February 25, 2022, NARA’s Director of Congressional Affairs John Hamilton requested a call with Chairwoman Maloney’s staff after NARA received [the February 24, 2022, letter from the Chairwoman](#) making a “special access request” for Presidential records under section 2205 of the Presidential Records Act (PRA), 44 U.S.C. 2205(2)(C).

Under the PRA, NARA is obligated to respond to special access requests from congressional committees, as represented by the Chair. Accordingly, when NARA receives such requests, NARA routinely talks with the Chairperson’s committee staff to explain the legal and archival processes that we must follow in order to respond to the request. NARA generally defers to the majority committee staff – regardless of which party is in the majority – on which committee staff are included on such calls. Mr. Hamilton included NARA’s General Counsel, Gary M. Stern, and other NARA staff on the video call, which took place on February 28, 2022, so that they could discuss the process by which NARA would respond to the Chairwoman’s request.

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The March 2, 2022, letter from Archivist of the United States David S. Ferriero to Chairwoman Maloney (which we also provided to your staff) acknowledged receipt of the February 24, 2022 letter, and described the February 28 call, as follows:

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 13499¹ to provide notification to the representatives of the incumbent and former Presidents.

I hope this explanation dispels your concern that NARA is somehow acting in a partisan manner when it responds to requests under the PRA. We take our role as a non-political agency very seriously. As the keepers of the records that uphold American democracy, our fundamental interest is always in ensuring that government records are properly managed, preserved, and protected to ensure access to them for the American public. It is that notion of stewardship, not partisan politics, that guides our actions.

Your letter also noted that neither NARA nor the OIG has offered a "legal source" for not providing you with further documents related to the ongoing Department of Justice (DOJ) investigation. Anytime NARA is asked about a matter that relates to a DOJ investigation, NARA consults with DOJ before responding. In this case, DOJ has requested that NARA not share or otherwise disclose to others information related to this matter at this time in order to protect the integrity of DOJ's ongoing work. Accordingly, and as we have similarly advised Chairwoman Maloney, most recently in my [September 30, 2022, letter](#) to her, we respectfully refer you to DOJ in light of its ongoing investigation.

I appreciate this opportunity to provide you with these clarifications.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

¹ The reference in the March 2, 2022 letter to Executive Order 13499 is a typo; the proper cite is to E.O. 13489.

