

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 13, 2025

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

As the Senate Committee on the Judiciary exercises its constitutional oversight of the Department of Justice and considers measures necessary to protect the lawful transfer of power, this letter serves as a formal request to preserve all existing and future records and materials related to: (1) the Department of Justice’s investigations and prosecutions of President-elect Donald J. Trump; and (2) investigations and prosecutions related to efforts to interfere with the lawful transfer of power following the 2020 presidential election, including the certification of the Electoral College vote on January 6 and 7, 2021. Additionally, we request you preserve all information that relates to all investigations conducted by Congress, including all requests from the 118th Congress. The Committee recognizes the current injunction against the release of Special Counsel Smith’s report and related materials and reserves its right to request production of the report and relevant records at an appropriate future date.

As President-elect Trump has repeatedly made clear, he intends to swiftly shut down any investigations related to his alleged misconduct and involvement in 2020 election subversion efforts and his mishandling of classified documents, specifically claiming that he will “fire [Special Counsel Smith] within two seconds. He’ll be one of the first things addressed.”¹ Furthermore, the President-elect’s intended nominee for Attorney General, Pam Bondi, has promised to weaponize the Department of Justice against those who were involved in these investigations, threatening: “When Republicans take back the White House... [t]he Department of Justice, the prosecutors will be prosecuted—the bad ones. The investigators will be investigated.”² In light of these threats, it is critical that the Department take immediate preservation steps related to these investigations and prosecutions.

We remind you and all Department employees, including all component agencies and offices, of your legal obligations to preserve federal records and your ongoing responsibility to safeguard information critical to congressional oversight. In accordance with federal law, all employees and officials within the Department have a legal responsibility to take measures to preserve, retain, and collect all documents, communications, and other relevant records,

¹ Hugh Hewitt, Interview with President Donald Trump, Oct. 24, 2024, <https://hughhewitt.com/former-and-future-president-donald-trump-on-chairman-xi-vp-harris-and-the-closing-days-of-campaign-2024>.

² Alexander Hutzler, *What Pam Bondi, Trump's new AG pick, has said about investigating DOJ prosecutors*, ABC NEWS, Nov. 22, 2024, <https://abcnews.go.com/Politics/pam-bondi-trumps-new-ag-pick-investigating-doj/story?id=116136850>.

including electronic information and metadata that are or may be responsive to each investigation or a congressional inquiry.³ This includes electronic messages sent using both official and personal accounts or devices and records created using text messages, phone-based message applications, or encryption software.⁴ We urge you to ensure that Department employees do not delete or destroy any official government records, including “information created, manipulated, communicated, or stored” electronically.⁵ As you know, any employee who conceals, destroys, or attempts to conceal or destroy a federal record may be subject to fine and imprisonment.⁶

We look forward to your full and immediate compliance with these requests. Thank you for your prompt attention to this important matter.

Sincerely,



Richard J. Durbin
United States Senator



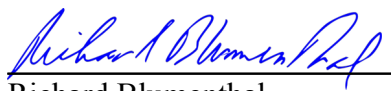
Sheldon Whitehouse
United States Senator



Amy Klobuchar
United States Senator



Christopher A. Coons
United States Senator



Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator

³ See 44 U.S.C. §§ 3101-3107 (Chapter 31, Records Management by Federal Agencies); 44 U.S.C. §§ 3301-3314 (Chapter 33, Disposal of Records); and 36 C.F.R., Chapter XII, Subchapter B (Records Management).

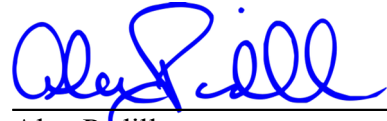
⁴ See 44 U.S.C. § 2911.

⁵ See 44 U.S.C. § 3301(a)(2).

⁶ See 18 U.S.C. § 2071.



Cory A. Booker
United States Senator



Alex Padilla
United States Senator



Peter Welch
United States Senator



Adam B. Schiff
United States Senator

cc: The Honorable Charles E. Grassley
Chair, Senate Committee on the Judiciary