



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

January 23, 2025

Laura Besong
Agency Records Officer
Department of Justice
Executive Office for U.S. Attorneys
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Ms. Besong:

The National Archives and Records Administration (NARA) has received the Department of Justice's report of the unauthorized destruction of federal records that had been removed from agency premises. According to DOJ's report, the records were "hard copy records" that a former United States Attorney had placed in a home basement. These records, according to information provided to DOJ, were then destroyed in a flood.

NARA needs additional information to ensure the reporting requirements of 36 CFR Part 1230.14(a) are met.

NARA requests that DOJ determine whether the materials that were in the basement were in fact the recordkeeping copy of federal records. DOJ's January 2, 2025 message states that the former U.S. Attorney "was reported to have removed hard copy records." The message further states that, according to the former U.S. attorney's legal representative, the materials were "hard copies of electronic data on [a] phone that we had printed out and sent to [them]." Please reconcile these two characterizations, or explain which one is correct.

If the materials in question were merely a printout of electronic records that are managed electronically, such that no federal records were destroyed, please advise us of the applicable records schedules.

If federal records were destroyed, please supply the records series, applicable disposition authorities, volume, and dates. NARA understands that further investigation by an appropriate authority may be necessary to uncover this information. Please also explain the safeguards DOJ is establishing to prevent further loss of documentation in this manner. Finally, please share details of any actions taken to salvage, retrieve, or reconstruct the records.

As part of its January 2, 2025 message to NARA, the DOJ provided a copy of a Department of Justice Office of Inspector General (DOJ-OIG) report. This report includes findings of non-compliance with the Federal Records Act that point to a possibly separate incident of unauthorized disposition of federal records. Specifically, the U.S. Attorney was found to have used a personal cellphone text message feature and a personal e-mail to conduct government business, without ensuring that records were later incorporated into a government recordkeeping system.

Please explain whether these electronic messages noted in the DOJ-OIG report have by now been incorporated into a government recordkeeping system. If they have not, please supply the applicable disposition authorities, volume, and dates of the email and text message records. Please also explain the safeguards DOJ has established to prevent further loss of documentation in this manner. Finally, please also share details of the actions taken to salvage, retrieve, or reconstruct these records.

Thank you for your attention to this matter. If you have any questions or wish to discuss further, please contact the Records Management Oversight and Reporting Program by email at UnauthorizedDisposition@nara.gov

Sincerely,

A handwritten signature in black ink that reads "William Fischer". The signature is written in a cursive, slightly slanted style.

WILLIAM FISCHER
Chief Records Officer
for the U.S. Government (Acting)

cc: Laurence Brewer, Director, Office of Records Management Policy