

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

May 21, 2021

The Honorable Merrick B. Garland  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Garland:

As you know, the Committee is investigating the events of January 6, 2021, in which insurrectionists stormed the U.S. Capitol to disrupt a joint session of Congress meeting to count the results of the 2020 presidential election. As part of its investigation, the Committee held a hearing with former Acting Attorney General Jeffrey Rosen on May 12, 2021, examining the role of the Department of Justice (DOJ) under the Trump Administration in connection with the January 6 attack.

**Committee's Investigation and May 12 Hearing**

The Committee has taken numerous steps to obtain information related to the January 6 attack and to understand the full scope of the events of that day. These steps include, but are not limited to, investigating the failure of executive branch agencies to anticipate, prepare for, and respond to the attack, which President Trump provoked as part of his efforts to overturn the 2020 election results.<sup>1</sup> These investigative steps will inform consideration of possible legislative reforms to prevent an attack of this nature from happening again.

Consistent with these investigative steps, the Committee's May 12 hearing examined the failure of executive branch agencies to anticipate, prepare for, and respond to the attack, which was predicated on President Trump's efforts to promote false claims about the election.

The January 6 attack on the U.S. Capitol was not an isolated incident, but rather the culmination of weeks of escalating attacks on the 2020 presidential election results by former

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<sup>1</sup> See, e.g., Letter from Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, et al., to Christopher Wray, Director, Federal Bureau of Investigation (Jan. 7, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-01-07.CBM%20et%20al%20to%20Wray%20re%20Capitol%20Insurrection.pdf>); Letter from Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, et al., to Intelligence Community Agencies (Jan. 16, 2021) (online at [https://intelligence.house.gov/uploadedfiles/20210116\\_hpsci\\_chs\\_hjc\\_cor\\_letter\\_to\\_fbi\\_dhs\\_nctc\\_\\_odni\\_on\\_capitol\\_insurrection.pdf](https://intelligence.house.gov/uploadedfiles/20210116_hpsci_chs_hjc_cor_letter_to_fbi_dhs_nctc__odni_on_capitol_insurrection.pdf)).

President Trump and his allies. Mr. Rosen addressed former President Trump’s false election fraud claims in a section of his prepared testimony entitled “DOJ Actions Prior to January 6,” noting that there was “no evidence of widespread voter fraud” to support former President’s baseless claims. He continued:

During my tenure, no special prosecutors were appointed, whether for election fraud or otherwise; no public statements were made questioning the election; no letters were sent to State officials seeking to overturn the election results; no DOJ court actions or filings were submitted seeking to overturn election results, and the only time DOJ did file a brief it was to seek a dismissal of Representative Gohmert’s lawsuit aiming to decertify the electoral count—and that lawsuit was dismissed, as DOJ had urged.<sup>2</sup>

Unfortunately, Mr. Rosen declined to answer members’ questions concerning President Trump’s reported weeks-long efforts to subvert the independence of DOJ and enlist officials in a campaign to overturn the 2020 election. According to reports, on December 15, 2020, President Trump summoned Mr. Rosen to the Oval Office and requested that he “file legal briefs supporting his allies’ lawsuits seeking to overturn his election loss” and “urged Mr. Rosen to appoint special counsels” to investigate voter fraud.<sup>3</sup> On January 3, 2021, Jeffrey Clark, the then Acting Assistant Attorney General of the Civil Division, reportedly informed Mr. Rosen that President Trump intended to appoint Mr. Clark to the head of the Department, where he could “try to stop Congress from certifying the Electoral College results” three days later. According to press reports, Mr. Rosen requested a meeting that evening with President Trump and other top Administration officials, many of whom agreed to resign if President Trump followed through with his plan.<sup>4</sup>

When asked during the hearing whether he had been “asked or instructed by President Trump to take any action at the Department to advance election fraud claims or to seek to overturn any part of the 2020 election results,” Mr. Rosen refused to answer. He admitted that he met with President Trump in the Oval Office on January 3, but when asked whether he discussed “anything about the attempts to overthrow the election,” he again refused to answer.

### **Committee’s Need for Information**

These events form a straight line between former President Trump’s attempts to use DOJ to perpetuate false claims about the 2020 election, his attempts to nullify those same results, and the events of January 6, when the then President’s supporters attacked the U.S. Capitol to disrupt the counting of electoral votes.

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<sup>2</sup> House Committee on Oversight and Reform, Written Testimony of Jeffrey Rosen, Former Acting Attorney General, *Hearing on The Capitol Insurrection: Unexplained Delays and Unanswered Questions* (May 12, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Rosen%20Testimony.pdf>).

<sup>3</sup> *Trump and Justice Dept. Lawyer Said to Have Plotted to Oust Acting Attorney General*, New York Times (Jan. 22, 2021) (online at [www.nytimes.com/2021/01/22/us/politics/jeffrey-clark-trump-justice-department-election.html](http://www.nytimes.com/2021/01/22/us/politics/jeffrey-clark-trump-justice-department-election.html)).

<sup>4</sup> *Id.*

Records reflecting efforts by President Trump and other executive branch officials to influence DOJ to take official action for the former President's personal partisan gain are critical to this Committee's investigation and will aid consideration of legislative measures to protect the peaceful transfer of power, strengthen the independence of the Department, and limit the ability of executive branch officials to interfere in election-related litigation or otherwise inappropriately influence elections.

As part of its investigation, the Committee requests that you produce the following documents by June 4, 2021:

1. All documents and communications referring or relating to meetings or discussions between former Acting Attorney General Jeffrey Rosen and former President Donald J. Trump between December 14, 2020, and January 6, 2021, including calendar items, meeting notes, or any other records memorializing such meetings or discussions;
2. All documents and communications referring or relating to meetings or discussions between former Acting Attorney General Jeffrey Rosen and former Acting Assistant Attorney General Jeffrey Clark between December 14, 2020, and January 6, 2021, including calendar items, meeting notes, or any other records memorializing such meetings or discussions; and
3. All documents and communications referring or relating to any efforts, instructions, or requests to challenge or influence in any way the results of the 2020 election, the certification of the Electoral College vote, or the counting of electoral votes by Congress, for the time period between December 14, 2020, and January 6, 2021.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee's request. Please contact Committee staff at (202) 225-5051 if you have any questions about this request.

Sincerely,



Carolyn B. Maloney  
Chairwoman

Enclosure

cc: The Honorable James Comer, Ranking Member

## Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.