

One Hundred Eighteenth
Congress of the United States
House of Representatives

SUBCOMMITTEE ON OVERSIGHT
COMMITTEE ON HOUSE ADMINISTRATION
1309 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6157
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December 05, 2023

The Honorable Bennie Thompson
Member of Congress
2466 Rayburn House Office Building
Washington, DC 20515

Re: House Select Committee to Investigate the January 6th Attack Coordination with Fulton
County District Attorney Fani Willis

Dear Representative Thompson:

I received your letter dated July 7, 2023, in which you acknowledged that as Chairman of the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee"), you failed to preserve and archive original copies of some witness testimony transcripts.¹ Additionally, in that letter, you admitted that you did not preserve the video recordings of witness interviews. The failure to preserve and archive documents relevant to official business of the House of Representatives is not only deeply concerning, but also in violation of House Rules.²

This Subcommittee recently discovered a letter sent to you by Fani Willis, the Fulton County District Attorney in the archived files of the Select Committee. In the December 17, 2021 letter, Ms. Willis made an "official request" to access any Select Committee records that are relevant to her investigation.³ Ms. Willis specifically requested access to "recordings and transcripts of witness interviews and depositions, electronic and print records of communications, and records of travel."⁴

According to public reporting, the Select Committee shared records with Ms. Willis. The Select Committee provided "Fulton County prosecutors...key evidence about what former President Trump and his top advisers knew" with respect to Georgia's 2020 election results.⁵ However, there are no records of any additional communication between the Select Committee and Ms. Willis and her office. Therefore, we have no records showing what the Select Committee actually provided her office.

This is especially concerning given you wrote in a previous letter to me that you did not preserve any video recordings of depositions or transcribed interviews.⁶ The Select Committee regularly used short clips from these videos during its prime-time hearings to further your predetermined narrative. By failing to preserve these videos, you deny the American public the right to review the footage and make their own conclusions about witnesses' truthfulness. Clearly Ms. Willis agrees that video recordings of witness interviews and depositions are important records.

¹ Letter from The Hon. Bennie Thompson to The Hon. Barry Loudermilk related to the Select Committee failing to archive certain records (July 7, 2023)

² See Rule VII of the Rules of the U.S. House of Representatives, 118th Cong. (2023)

³ Letter from Fani Willis to Chairman Bennie Thompson related to an official request to access Select Committee records (Dec. 17, 2021)

⁴ *Id.*

⁵ Tamar Hallerman, Jan. 6 Committee aids Fulton prosecutors in their investigation of Trump, Atlanta Journal-Constitution, Oct. 23, 2022, <https://www.ajc.com/politics/jan-6-committee-aids-fulton-prosecutors-in-their-investigation-of-trump/SZ6GIUKETZCMBIOA4E4JIQ4VAQ/>

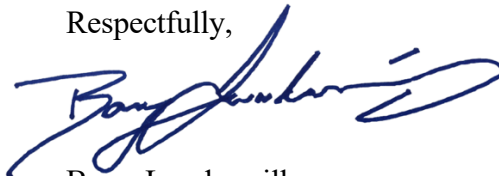
⁶ Supra note 1.

Additionally, on August 11, 2023, federal prosecutors working for Special Counsel Jack Smith, said in court that they were using unreleased transcripts provided by the Select Committee in their prosecution of former President Trump.⁷ It is unclear if the Special Counsel's team received these transcripts from the Select Committee or directly from the Biden Administration. However, because you intentionally chose not to archive and preserve these transcripts, my Subcommittee, and the House of Representatives, does not even know the names of these witnesses or what they said in interviews with the Select Committee.

Accordingly, I ask that you provide the following information by Tuesday, December 11, 2023:

1. A list of all official communications between the Select Committee and Ms. Willis or her office and copies of all such communications;
2. A list of all individuals who were deposed or interviewed by the Select Committee including the date of each deposition or interview, and, if an individual was deposed or interviewed more than once, specify the date of each deposition or transcribed interview;
3. An itemized list, and copies, of every record including any recordings, transcript of witness interviews or depositions electronic and print records of communications and travel the Select Committee provided to Ms. Willis or her office;
4. A list of all individuals or entities the Select Committee sent video recordings of transcribed interviews or depositions, transcripts from transcribed interviews or depositions, or any other official records of the Select Committee, and an itemized list of each record sent to each individual or entity;
5. All written guidance you received from the Office of the Clerk and any "other authorities" regarding your assertion that you were not required to preserve video recordings of transcribed interviews and depositions.

Respectfully,



Barry Loudermilk
Chairman
Subcommittee on Oversight
Committee on House Administration

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⁷ Sarah Wire, Republicans say the Jan. 6 congressional committee withheld evidence. Whether it did is complicated, Los Angeles Times, Aug. 14, 2023, <https://www.latimes.com/politics/story/2023-08-14/republicans-accuse-jan-6-house-select-committee-of-withholding-materials#:~:text=On%20Friday%2C%20prosecutor%20Thomas%20Windom,it%20publicly%20during%20the%20trial>