Congress of the United States
Washington, DC 20515

September 1, 2020

VIA ELECTRONIC TRANSMISSION

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Barr:

We write to request an advisory opinion on whether House Speaker Nancy Pelosi committed a criminal act by destroying an official copy of the State of the Union speech delivered to her by President Donald J. Trump.

On February 4, 2020, President Trump, in compliance with Article 2, Section 3 of the U.S. Constitution, convened the Congress and delivered official copies of his prepared remarks to Speaker Pelosi, the presiding officer of the House of Representatives and Vice President Mike Pence, the presiding officer of the Senate. At the conclusion of President Trump's State of the Union address, Speaker Pelosi publicly destroyed the copy she received by ripping it in half.

Our official inquiry is to request your opinion on whether the Speaker's actions violated 18 U.S.C. § 2071, which reads in part:

> "(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent … any … document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.
>
> (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing … [and] destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States."

In your advisory response, please address the following questions:

1. When the President delivers an official copy of his State of the Union remarks to the Speaker of the House, are those remarks considered to be an official government document, subject to protection under 18 U.S.C. § 2071 or any other federal statute?

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2. If the answer to question one is in the affirmative, did Speaker Pelosi violate the law when she destroyed the House copy of the State of the Union delivered to her by President Trump?

3. If the answer to questions one and 2 are affirmative, and given that 18 U.S.C. § 2071 requires removal from office, what actions are necessary to enforce the statute?

Thank you for your attention to this matter, and we look forward to your response.

Gary J. Palmer
Chairman
House Republican Policy Committee

Mike Johnson
Chairman
Republican Study Committee