

United States Senate

WASHINGTON, DC 20510

August 4, 2026

Dr. Caryl Brzymialkiewicz
Deputy Inspector General
Performing the Duties of the Inspector General
Office of Inspector General
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Deputy Inspector General Brzymialkiewicz:

We write to request that the Office of Inspector General investigate what employees of the Department of the Interior (DOI) knew—and when they knew it—regarding the peeling of the coating and other engineering issues at the Lincoln Memorial Reflecting Pool. On July 31, 2026, the U.S. Attorneys’ Office for the District of Columbia (USAO-DC) filed a voluntary motion to dismiss felony vandalism charges against David Hearn, noting in its pleading that documents it received from DOI after the indictment “indicated a rushed and flawed installation process, with repeated failures of the lining during the installation process, and extensive peeling of the lining throughout the Reflecting Pool.”¹ Additional details provided in the motion—and prior (and continuing) contradictory statements by DOI leadership—deserve immediate scrutiny.

Here are the relevant facts surrounding the Reflecting Pool renovations and subsequent arrests:

- In April 2026, the Trump administration launched a project to seal seams and re-coat the basin bottom of the Reflecting Pool, estimating costs at \$1.5 to \$2 million.² To complete the work, the administration entered into two no-bid contracts on April 3 and 13, respectively, with Atlantic Industrial Coatings (AIC) and Greenwater Services.³
- During April and May 2026, the project ran into various delays and the scope of work expanded as contractors discovered complications.⁴ Costs also began to balloon, eventually reaching more than \$16 million.⁵

¹ Government’s Motion to Dismiss the Indictment, *United States v. Hearn*, No. 2026 CF2 010237 (D.C. Super. Ct. July 31, 2026) (hereinafter “Motion to Dismiss”), <https://www.documentcloud.org/documents/28528040-doj-admits-reflecting-pool-case-doesnt-hold-water/>.

² Ashley Mowreader, “Timeline: Trump’s Reflecting Pool renovation grows in costs, complications,” *NBC News* (June 25, 2026), <https://www.nbcnews.com/data-graphics/dc-reflecting-pool-renovation-timeline-2026-rcna351410>.

³ Pooja Salhotra, “Timeline of the Lincoln Memorial Reflecting Pool Saga,” *New York Times* (Aug. 1, 2026), https://www.nytimes.com/2026/08/01/us/reflecting-pool-trump-timeline.html?eafs_enabled=false.

⁴ David A. Fahrenthold & Maxine Joselow, “Reflecting Pool Repairs Appear Uneven and Behind Schedule, Officials Say,” *New York Times* (May 12, 2026), <https://www.nytimes.com/2026/05/12/us/politics/lincoln-memorial-pool-repairs.html>.

⁵ Peter Charalambous, “Reflecting Pool renovations to cost more than \$16 million,” *ABC News* (June 19, 2026), <https://abcnews.com/US/reflecting-pool-renovations-cost-16-million/story?id=134024265>.

- On May 7, 2026, President Trump visited the Reflecting Pool, and his motorcade drove directly over the drained, coated basin. DOI Secretary Doug Burgum joined President Trump.⁶
- On June 4, 2026, the administration announced that the re-coating was complete and crews would begin refilling the pool.⁷
- On June 10, 2026, observers and news media began noting algal blooms in the pool water,⁸ and maintenance crews used hydrogen peroxide to clear the algae.⁹
- On June 18, 2026, news outlets first reported that the Reflecting Pool's new coating had begun to peel.¹⁰
- On June 19, 2026, three-time Olympian David Hearn was arrested and charged with felony vandalism after he reached into the pool and touched a piece of peeling paint.¹¹
- Also on June 19, 2026, President Trump first posed on Truth Social that there were "some real problems with Vandalism at the beautiful Reflecting Pool."¹² He repeated the claims on June 20, 2026, adding that vandals had made a 250-foot long gash.¹³ And on June 23, 2026, he increased his claims to a "350 foot gash, made by a very sharp knife or razors," but indicated that the length was the combined total of multiple smaller gashes.¹⁴ He provided no evidence.

New information in the court documents filed on July 31, 2026, provides the basis for this request. USAO-DC attorneys, including U.S. Attorney Jeannine Pirro, filed a voluntary motion to dismiss the felony charges against Mr. Hearn.¹⁵ In their motion, the attorneys explicitly stated they had relied on incomplete and faulty information provided by DOI in bringing the charges:

⁶ Darlene Superville, "Trump drives across Lincoln Memorial Reflecting Pool to inspect blue coating he's adding," PBS News (May 8, 2026), <https://www.pbs.org/newshour/politics/trump-drives-across-lincoln-memorial-reflecting-pool-to-inspect-blue-coating-hes-adding>.

⁷ Nathan Ellgren & Mike Catalini, "Water begins refilling Reflecting Pool after Trump's renovation to repaint it 'American flag blue,'" *Associated Press* (June 4, 2026), <https://apnews.com/article/lincoln-memorial-reflecting-pool-trump-8a1c7a9fb75083460d55fe7caa4401e6>.

⁸ Kit Maher, "'Residual algae' coats part of newly opened Reflecting Pool," *CNN* (June 10, 2026), <https://www.cnn.com/2026/06/10/politics/algae-reflecting-pool-trump>.

⁹ Salhotra, *supra* note 3.

¹⁰ Jasper Ward, "The paint is already peeling in Trump's renovated Washington Reflecting Pool," *Reuters* (June 18, 2026), <https://www.reuters.com/world/us/paint-is-already-peeling-trumps-renovated-washington-reflecting-pool-2026-06-18/>; Abigail Roedersheimer, Michael Williams & Kit Maher, "Blue material peeling off bottom of Reflecting Pool, days after costly renovation," *CNN* (June 18, 2026), <https://www.cnn.com/2026/06/18/politics/blue-material-reflecting-pool-renovation>.

¹¹ Salhotra, *supra* note 3.

¹² President Donald J. Trump, @realDonaldTrump, Truth Social (June 19, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116779961376108129>.

¹³ President Donald J. Trump, @realDonaldTrump, Truth Social (June 20, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116784751146148991>.

¹⁴ President Donald J. Trump, @realDonaldTrump, Truth Social (June 23, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116800002761284625>.

¹⁵ Motion to Dismiss, *supra* note 1.

DOI provided less than fulsome information at the outset of this case. However, the information subsequently demanded by USAO disclosed by DOI—which was not known to the prosecutors or the grand jury before the return of the indictment—strongly suggest that a rushed and botched installation by AIC, the primary contractor, led to the damage to the lining of the Reflecting Pool. It was not until USAO-DC repeatedly reached out to DOI dozens and dozens of times that DOI slowly started trickling information to USAO-DC. Had DOI been forthcoming with the information clearly in its possession, the government would not have sought a grand jury indictment.¹⁶

Among other things, the motion to dismiss included the revelation that, on June 11, 2026, “[National Park Service] engineer was alerted to peeling of the Reflecting Pool lining. He sent an email at 12:00 p.m. that day to other NPS and DOI personnel detailing the [peeling].”¹⁷ This June 11, 2026, email was sent **8 days** before the arrest of Mr. Hearn.

Furthermore, the withholding of this exculpatory information walked DOJ lawyers into a violation of their *Brady* and *Giglio* obligations. *Brady v. Maryland* held that due process requires prosecutors to disclose to the accused all “favorable” and exculpatory evidence that is “material” to their case.¹⁸ *Giglio v. United States* requires that prosecutors disclose information about a government witness that could undermine that witness’s credibility, a requirement echoed in D.C. law, court rules, and the D.C. Rules of Professional Conduct.¹⁹ These disclosures protect “the defendant’s right to a fair trial” and “ensure that a miscarriage of justice does not occur.”²⁰

These events, and the information and documents that DOI apparently possesses that remain non-public, provide ample predicate for an investigation by your office. Numerous questions remain: How was the vandalism lie cooked up? How did it get to President Trump’s desk? Or did it originate from the White House? What knowledge of the peeling did DOI employees (including DOI leadership) possess, when did they possess it, and what were their respective roles? Who received and was copied on the June 11 email thread? Why did DOI hold relevant documents from USAO-DC?

These questions, and any attendant questions, are all squarely within the purview of the DOI IG. Investigation by your office is especially warranted given that DOI’s leadership continues to advance President Trump’s false claims notwithstanding the admissions in USAO-DC’s motion to dismiss; indeed, a day **after** USAO-DC filed that motion, Secretary Burgum tweeted: “The evidence is clear, vandals have repeatedly caused damage to the Reflecting Pool.”²¹

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See *Brady v. Maryland*, 373 U.S. 83 (1963); see also *Brady v. State*, 226 Md. 422, 174 A.2d 167 (1961) (“The suppression or withholding by the State of material evidence exculpatory to an accused is a violation of due process.”).

¹⁹ *Giglio v. United States*, 405 U.S. 150, 154 (1972); *Lewis v. United States*, 408 A.2d 303 (D.C. 1979); D.D.C. LCrR 5.1; D.C. Super. Ct. Crim. R. 16(a); U.S. Dep’t of Just., Just. Manual § 9-5.001(B); D.C. R. Pro. Conduct 3.8(e).

²⁰ *United States v. Agurs*, 427 U.S. 97, 107; *United States v. Bagley*, 476 U.S. 667, 675 (1985).

²¹ Secretary Doug Burgum, @SecretaryBurgum, X (Aug. 1, 2026), <https://x.com/SecretaryBurgum/status/2083614772847653242>.

Accordingly, we urge your office to open an immediate investigation into DOI's knowledge of coating and peeling issues with the Reflecting Pool—including what was known, who knew it, and when they knew it—and whether DOI employees intentionally withheld evidence from USAO-DC.

We appreciate your prompt attention to this matter and look forward to your findings.

Sincerely,



Sheldon Whitehouse
United States Senator
Ranking Member
Committee on Environment
and Public Works



Martin Heinrich
United States Senator
Ranking Member, Committee
on Energy and Natural
Resources

cc: Damon Hagan
 Acting Solicitor, U.S. Department of the Interior