



DONALD J. TRUMP

October 21, 2021

The Honorable David S. Ferriero
Archivist of the United States
U.S. National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Mr. Ferriero:

I write concerning requests for documents and records sent to the National Archives and Records Administration (“NARA”) on March 25, 2021 and August 25, 2021 by the Select Committee to Investigate the January 6th Attack on the United States Capitol (the “Committee”). The Committee requested an extremely broad set of documents and records, potentially numbering in the millions, which unquestionably contain information protected from disclosure by the executive and other privileges, including but not limited to the presidential communications, deliberative process, and attorney-client privileges.

On September 9, 2021, NARA the noticed the second set of records for review (P000137 – P000878) (the “Second Notification”). Following a review of such records, pursuant to the Presidential Records Act, Executive Order 13489, and 36 CFR 1270.44, I have determined that the following records contain information subject to executive privilege, including the presidential communications and deliberative process privileges, and I hereby formally assert executive privilege over these records:

P000137 – P000140
P000141 – P000142
P000180
P000181
P000182 – P000191
P000192 – P000198
P000199 – P000201
P000202 – P000204
P000205 – P000207
P000208 – P000210
P000211 – P000213
P000214
P000215
P000216
P000217 – P000219

P000220 – P000222
P000223 – P000227
P000228 – P000229
P000230 – P000235
P000253 – P000256
P000257 – P000260
P000261 – P000264
P000265 – P000268
P000269 – P000274
P000275 – P000277
P000278 – P000286
P000287 – P000290
P000291 – P000292
P000293 – P000297
P000298 – P000303
P000304 – P000306
P000307 – P000315
P000316 – P000318
P000319 – P000320
P000321 – P000325
P000326 – P000327
P000328 – P000333
P000334 – P000339
P000342 – P000343
P000344 – P000347
P000348 – P000353
P000354 – P000355
P000356 – P000358
P000359 – P000362
P000363 – P000366
P000367 – P000372
P000373 – P000374
P000375
P000376 – P000377
P000378 – P000381
P000382 – P000387
P000388 – P000391
P000392 – P000395
P000396 – P000397
P000399 – P000405
P000406 – P000407

P000408 – P000411
P000412 – P000413
P000414 – P000416
P000417 – P000420
P000421 – P000422
P000423 – P000424
P000425 – P000426
P000427 – P000432
P000433 – P000435
P000436 – P000442
P000446 – P000447
P000448
P000449 – P000450
P000451 – P000454
P000455 – P000461
P000462 – P000463
P000464 – P000467
P000468 – P000475
P000476 – P000479
P000480 – P000486
P000487 – P000489
P000490 – P000496
P000497 – P000499
P000500 – P000503
P000504 – P000510
P000511 – P000512
P000513 – P000516
P000517 – P000523
P000524 – P000529
P000530 – P000531
P000532 – P000535
P000536 – P000542
P000543 – P000544
P000545 – P000548
P000549 – P000555
P000556 – P000560
P000561 – P000562
P000563 – P000565
P000566 – P000572
P000573 – P000574
P000575 – P000580

P000581 – P000583
P000584 – P000586
P000587 – P000588
P000589 – P000591
P000592 – P000595
P000596 – P000598
P000599 – P000600
P000601
P000602
P000603
P000604 – P000605
P000606 – P000611
P000612
P000613 – P000620
P000621 – P000622
P000623 – P000630
P000631 – P000632
P000633 – P000635
P000636 – P000644
P000645 – P000648
P000649 – P000651
P000652 – P000656
P000657 – P000663
P000664 – P000671
P000672 – P000673
P000674 – P000675
P000676 – P000684
P000685 – P000686
P000687 – P000688
P000689 – P000690
P000691 – P000696
P000697 – P000704
P000705 – P000706
P000707 – P000708
P000709 – P000716
P000717 – P000718
P000719 – P000726
P000727 – P000728
P000729 – P000731
P000732 – P000741
P000742 – P000745

P000746 – P000750
P000751 – P000753
P000754 – P000756
P000757 – P000758
P000759 – P000762
P000763 – P000764
P000765 – P000773
P000774 – P000775
P000776 – P000783
P000784 – P000785
P000786 – P000789
P000790 – P000798
P000799 – P000801
P000802 – P000807
P000808 – P000811
P000812 – P000817
P000818 – P000822
P000823 – P000827
P000828 – P000836
P000837 – P000839
P000840 – P000844
P000845 – P000850
P000851 – P000852

It is my understanding that NARA has determined that records numbered P000443 – P000445 are not Presidential Records and thus have been removed from the Second Notification and will not be produced to the Committee.

On September 16, 2021, NARA noticed the third set of records for review (P000879 – P001024) (the “Third Notification”). Following a review of such records, pursuant to the Presidential Records Act, Executive Order 13489, and 36 CFR 1270.44, I have determined that the following records contain information subject to executive privilege, including the presidential communications and deliberative process privileges, and I hereby formally assert executive privilege over these records:

P000891 – P000901
P000902 – P000903
P000904 – P000926
P000927
P000935 – P000950
P000951 – P000955
P000956 – P000959

P000960 – P000962

P000986 – P000988

It is my understanding that the Committee has deferred their request for the records identified below. Although no decision with respect to executive or other privileges needs to be made now, I hereby reserve my right to make a formal assertion of executive or other privileges over these records at the appropriate time.

P000143 – P000179

P000398

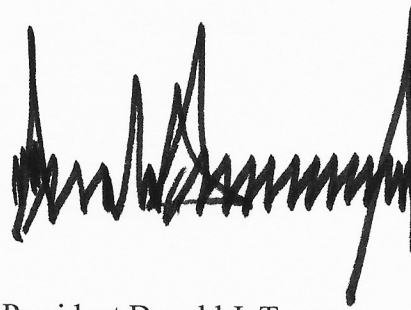
P000879 – P000890

Additionally, certain documents included in the Second Notification and/or Third Notification may be subject to additional privileges, including without limitation the attorney-client and work-product privileges. Those records also are subject to executive privilege. To the extent required, any attorney-client or other privilege is not waived and a further review may be required depending on the outcome of the process provided for under the Presidential Records Act, 36 CFR 1270.44, and Executive Order 13489.

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Finally, to the Presidential Records Act, Executive Order 13489, and 36 CFR 1270.44, I hereby make a protective assertion of constitutionally based privilege with respect to all additional records following the Third Notification. In cases like this, where Congress has declined to grant sufficient time to conduct a full review, there is a longstanding bipartisan tradition of protective assertions of executive privilege designed to ensure the ability to make a final privilege assertion, if necessary, over some or all of the requested material. *See Protective Assertion of Executive Privilege Regarding White House Counsel's Office Documents*, 20 Op. O.L.C. 1 (1996) (opinion of Attorney General Janet Reno). This protective assertion is intended to ensure that I have the ability to make a final assertion of executive privilege, if necessary and appropriate, following a full review of the requested materials. *See Letter for the President from William P. Barr, Attorney General*, at 1-2 (May 8, 2019).

Sincerely,

A handwritten signature in black ink, appearing to be "Donald Trump", written in a cursive style.

President Donald J. Trump