

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/12/2022 12:34:46 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: Laster, John <john.laster@nara.gov>
Subject: Special Access Request from Incumbent Administration

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) cell
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/14/2022 09:23:40 AM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: Laster, John <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

(b) (6), (b) (7)(C) please let us know whether, and if so, when you would like to come to review these records, before we provide access to the FBI?

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301-837-0293 (fax)
garym.stern@nara.gov





From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent time: 04/14/2022 10:21:12 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Laster, John <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

Gary,

We're working through that. But we have at least until next Tuesday, correct?

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 9:24 AM, Gary Stern <garym.stern@nara.gov> wrote:

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15bRR002157

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garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/14/2022 10:25:50 AM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Laster, John <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

Yes, correct. Thanks

Gary M. Stern
General Counsel
National Archives and Records Administration
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301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 10:21 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:
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From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent time: 04/18/2022 08:54:14 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Laster, John <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

Gary and John,

Two items on this request.

Today, I asked (b) (6), (b) (7)(C) for an extension on the 7-day clock. I thought it would expedite things to go to him directly. While that request is pending, can you please not release anything tomorrow? I expect we will know on the extension before COB tomorrow.

Also, President Trump has retained (b) (6), (b) (7)(C) to represent him in this matter. Can you please allow her to correspond with you and provide President Trump's determinations on any privilege issues just as you have allowed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) I am designating her first that purpose.

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 10:26 AM, Gary Stern <garym.stern@nara.gov> wrote:

Yes, correct. Thanks

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 10:21 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

Gary,

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From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/19/2022 09:35:14 AM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Laster, John <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

(b) (6), (b) (7)(C) we will certainly wait to hear from (b) (6), (b) (7)(C) on the extension, and will not provide any access until then. And we will be happy to work with (b) (6), (b) (7)(C) on this request; (b) (6), (b) (7)(C) had already introduced us to her re the House Oversight Committee request, so we assume you are designating her for that request as well?

With respect to this request, does (b) (6), (b) (7)(C) have the necessary security clearances to review the records in the boxes, assuming she plans to conduct such a review?

Thanks,
Gary

Gary M. Stern
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 18, 2022 at 8:54 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:
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Two items on this request.

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Thanks,
(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 10:26 AM, Gary Stern <garym.stern@nara.gov> wrote:

Yes, correct. Thanks

Gary M. Stern

15bRR002164

General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
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301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 10:21 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

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15BRR002165

seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

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From: John Laster <john.laster@nara.gov>
Sent time: 04/21/2022 04:14:15 PM
To: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)@nara.gov (b) (6), (b) (7)(C)@nara.gov
Subject: Special access request for Trump Presidential records

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

In accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, the White House has requested, on behalf of the Department of Justice and the FBI, access to eight pages of Trump Presidential records from the files of (b) (6), (b) (7)(C), that concern records related to boxes that were recently shipped from Mar-a-Lago to NARA.

(b) (6), (b) (7)(C) please note that these eight pages were included in the Trump Presidential records that you approved us to provide to (b) (6), (b) (7)(C) in response to a special access request from the Biden Administration (September 15, 2021 email from you to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Each of you will shortly receive a link from me to download the requested records. The password is 6b62YCGC.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the stated urgency of this matter, we request that you complete your review in seven calendar days.

Please let me know if you have any questions.

John

--
John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent time: 04/28/2022 03:34:29 PM
To: John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Evan Corcoran <(b) (6), (b) (7)(C)>
Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
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John, do you mind jumping on a quick call with us sometime before 5? It should only take about 15 minutes.

Thanks,

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

This electronic message transmission contains information from the law firm (b) (6), (b) (7)(C) that may be confidential or privileged. The information is intended solely for the recipient and use by any other party is not authorized. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this electronic transmission in error, please notify us immediately at the above listed number or by electronic mail.

From: John Laster <john.laster@nara.gov>
Sent: Thursday, April 21, 2022 4:14 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Special access request for Trump Presidential records

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

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John

15bRR002168

--

John Laster

Director, White House Liaison Division

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

From: John Laster <john.laster@nara.gov>
Sent time: 04/28/2022 03:46:25 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Evan Corcoran <(b) (6), (b) (7)(C)>; GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Re: Special access request for Trump Presidential records

(b) (6), (b) (7)(C)

Will 4:15 work for you and Evan? If so, please feel free to call me at (b) (6), (b) (7)(C)

John

On Thu, Apr 28, 2022 at 3:34 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

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(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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From: John Laster <john.laster@nara.gov>
Sent: Thursday, April 21, 2022 4:14 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
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(b) (6), (b) (7)(C)

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John

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John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent time: 04/28/2022 03:48:17 PM
To: John Laster <john.laster@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Evan Corcoran <(b) (6), (b) (7)(C)>; GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) @nara.gov>
Subject: Re: Special access request for Trump Presidential records

Works for me.

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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From: John Laster <john.laster@nara.gov>
Sent: Thursday, April 28, 2022 3:46 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Evan Corcoran <(b) (6), (b) (7)(C)>; GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) @nara.gov>
Subject: Re: Special access request for Trump Presidential records

(b) (6), (b) (7)(C)

Will 4:15 work for you and Evan? If so, please feel free to call me at (b) (6), (b) (7)(C)

John

On Thu, Apr 28, 2022 at 3:34 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

Hello everyone,

I hope you are well. I wanted to introduce you to Evan Corcoran who now represents President Trump in this matter.

(b) (6), (b) (7)(C) will be sending an email to authorize Evan's ability to access records shortly.

John, do you mind jumping on a quick call with us sometime before 5? It should only take about 15 minutes.

Thanks,

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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15bRR002172

above listed number or by electronic mail.

From: John Laster <john.laster@nara.gov>

Sent: Thursday, April 21, 2022 4:14 PM

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Subject: Special access request for Trump Presidential records

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

In accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, the White House has requested, on behalf of the Department of Justice and the FBI, access to eight pages of Trump Presidential records from the files of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), that concern records related to boxes that were recently shipped from Mar-a-Lago to NARA.

(b) (6), (b) (7)(C) please note that these eight pages were included in the Trump Presidential records that you approved us to provide to (b) (6), (b) (7)(C) in response to a special access request from the Biden Administration (September 15, 2021 email from you to (b) (6), (b) (7)(C)).

Each of you will shortly receive a link from me to download the requested records. The password is 6b62YCGC.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the stated urgency of this matter, we request that you complete your review in seven calendar days.

Please let me know if you have any questions.

John

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Sent time: 04/28/2022 03:50:40 PM
To: John Laster <john.laster@nara.gov>
Cc: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) @nara.gov>
Subject: Re: Special access request for Trump Presidential records

Sounds good.

Sent from my iPhone

On Apr 28, 2022, at 3:47 PM, John Laster <john.laster@nara.gov> wrote:

(b) (6), (b) (7)(C)

Will 4:15 work for you and Evan? If so, please feel free to call me at (b) (6), (b) (7)(C)

John

On Thu, Apr 28, 2022 at 3:34 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

Hello everyone,

I hope you are well. I wanted to introduce you to Evan Corcoran who now represents President Trump in this matter.

(b) (6), (b) (7)(C) will be sending an email to authorize Evan's ability to access records shortly.

John, do you mind jumping on a quick call with us sometime before 5? It should only take about 15 minutes.

Thanks,

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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From: John Laster <john.laster@nara.gov>

Sent: Thursday, April 21, 2022 4:14 PM

To: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)

Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) @nara.gov>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @nara.gov>

Subject: Special access request for Trump Presidential records

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, the White House has requested, on behalf of the Department of Justice and the FBI, access to eight pages of Trump Presidential records from the files of (b) (6), (b) (7)(C), that concern records related to boxes that were recently shipped from Mar-a-Lago to NARA.

(b) (6), (b) (7)(C) please note that these eight pages were included in the Trump Presidential records that you approved us to provide to (b) (6), (b) (7)(C) in response to a special access request from the Biden Administration (September 15, 2021 email from you to (b) (6), (b) (7)(C)).

Each of you will shortly receive a link from me to download the requested records. The password is 6b62YCGC.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the stated urgency of this matter, we request that you complete your review in seven calendar days.

Please let me know if you have any questions.

John

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent time: 04/28/2022 04:08:02 PM
To: Evan Corcoran <(b) (6), (b) (7)(C)>
Cc: John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Re: Special access request for Trump Presidential records

Sorry if this email is late.

Gary and John,

President Trump has retained Evan Corcoran and I am authorizing him to act as a rep for PRA purposes, just as for (b) (6), (b) (7)(C)

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 28, 2022, at 3:50 PM, Evan Corcoran <(b) (6), (b) (7)(C)> wrote:

Sounds good.

Sent from my iPhone

On Apr 28, 2022, at 3:47 PM, John Laster <john.laster@nara.gov> wrote:

(b) (6), (b) (7)(C)

Will 4:15 work for you and Evan? If so, please feel free to call me at (b) (6), (b) (7)(C)

John

On Thu, Apr 28, 2022 at 3:34 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

Hello everyone,

I hope you are well. I wanted to introduce you to Evan Corcoran who now represents President Trump in this matter.

(b) (6), (b) (7)(C) will be sending an email to authorize Evan's ability to access records shortly.

John, do you mind jumping on a quick call with us sometime before 5? It should only take about 15 minutes.

Thanks,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

15bRR002176

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From: John Laster <john.laster@nara.gov>

Sent: Thursday, April 21, 2022 4:14 PM

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Subject: Special access request for Trump Presidential records

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

In accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, the White House has requested, on behalf of the Department of Justice and the FBI, access to eight pages of Trump Presidential records from the files of (b) (6), (b) (7)(C) that concern records related to boxes that were recently shipped from Mar-a-Lago to NARA.

(b) (6), (b) (7)(C) please note that these eight pages were included in the Trump Presidential records that you approved us to provide to (b) (6), (b) (7)(C) in response to a special access request from the Biden Administration (September 15, 2021 email from you to (b) (6), (b) (7)(C))

Each of you will shortly receive a link from me to download the requested records. The password is 6b62YCGC.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the stated urgency of this matter, we request that you complete your review in seven calendar days.

Please let me know if you have any questions.

John

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

15bRR002177

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

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Telephone (b) (6), (b) (7)(C)
Facsimile (b) (6), (b) (7)(C)
silvermanthompson.com
Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:

Evan Corcoran

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

April 29, 2022

Via Electronic Mail

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: Special Access Request From Incumbent Administration

Dear Mr. Stern:

I have recently been retained by President Donald J. Trump in connection with certain Presidential records maintained by the National Archives and Records Administration (NARA).

I understand that on April 11, 2022, President Joseph R. Biden, Jr. made a special access request pursuant to 36 C.F.R. § 1270.44, seeking that NARA make available to the U.S. Department of Justice 15 boxes of Presidential records of President Donald J. Trump. As you know, the Presidential Records Act of 1978 (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations, provide a former President (or his representative) the right to access Presidential records prior to NARA making them available to a requestor. This right of access is important because it allows the former President to determine whether any of the documents are subject to executive privilege. It is critically important to the institution of the Presidency that a former President be allowed to review requested Presidential documents and, where appropriate, to assert a claim of constitutionally based privilege.

We have requested the ability to review the documents. That review is necessary in order to ascertain whether any specific document is subject to privilege. We would respectfully request that you restrict access to the documents until we have had the opportunity to review the documents and to consult with President Donald J. Trump so that he may personally make any decision to assert a claim of constitutionally based privilege. *See* 36 C.F.R. § 1270.44(d).

As you are aware, a former President ordinarily has 30 days within which to review requested records. That period has not been provided. The review here will require coordination with the Department of Justice. We have proposed ideas to facilitate that process, but no agreed upon process has yet been determined. It is also our understanding that, because of the volume of

Gary M. Stern
April 29, 2022
Page Two

materials contained in the boxes, it will take approximately one week to complete our review, once we are granted access. After that review, we will consult with President Donald J. Trump.

In terms of timing, we are working closely with the Department of Justice and the White House so that we can be in a position to review the documents in a timely manner. This type of accommodation process has been expressly encouraged by the judiciary.

Especially given the need to coordinate review with the Department of Justice, we request that you adjust any applicable time period and give us the additional time needed for our review and consultation. *See* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”).

If you decline to provide us the needed time to review these documents, please consider this letter a protective assertion of executive privilege made by counsel for the former President. That protective assertion of executive privilege would extend to all documents involved. This protective assertion ensures that President Donald J. Trump will be able – consistent with his constitutional duties and the statutory framework – to make a final decision whether to assert privilege following a full review of the materials. *See Protective Assertion of Executive Privilege*, 20 Op. O.L.C. at 1.

Thank you for considering this request.

With best regards,

M. Evan Corcoran

cc: John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
The White House
via electronic mail

(b) (6), (b) (7)(C)
via electronic mail

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/29/2022 06:12:48 PM
To: Evan Corcoran <(b) (6), (b) (7)(C)>
(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C)(b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)@who.eop.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>; John Laster <john.laster@nara.gov>
Subject: Re: Special Access Request

Evan, I am in receipt of your letter, and will respond in due course.

Sincerely,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Fri, Apr 29, 2022 at 5:55 PM Evan Corcoran <(b) (6), (b) (7)(C)> wrote:

Dear Mr. Stern:

Please see the attached correspondence.

As always, I am happy to discuss at your convenience.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

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Facsimile (b) (6), (b) (7)(C)
silvermanthompson.com
Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:

Evan Corcoran

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

May 1, 2022

Via Electronic Mail

Mr. Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: April 11, 2022, Special Access Request From Incumbent Administration

Dear Mr. Stern:

I write to follow up on my April 29, 2022, letter.

That letter sets forth President Donald J. Trump's personal decision. It was sent to you after consultation with him on the matters discussed therein and sets forth his position on those matters.

Accordingly, the letter satisfies the requirement in 36 C.F.R. § 1270.44(d) that "[t]he incumbent or former President must personally make any decision to assert a claim of constitutionally based privilege against disclosing a Presidential record or a reasonably segregable portion of it."

Please let me know if you need any additional information regarding this claim of privilege.

With best regards,

M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

Mr. Gary M. Stern
May 1, 2022
Page Two

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The White House
via electronic mail

(b) (6), (b) (7)(C)

via electronic mail

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Sent time: 05/01/2022 03:49:09 PM
To: GaryM Stern <garym.stern@nara.gov>
John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; who.eop.gov; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
<(b) (6), (b) (7)(C)who.eop.gov>
Subject: April 11, 2022 Special Access Request
Attachments: 2022-05-01 NARA Letter (2).pdf

Mr. Stern:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran
Partner



400 East Pratt Street
Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) | www.silvermanthompson.com

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

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Facsimile (b) (6), (b) (7)(C)
silvermanthompson.com
Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:
Evan Corcoran
410-385-2225

(b) (6), (b) (7)(C)

May 1, 2022

Via Electronic Mail

Mr. Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: April 11, 2022, Special Access Request From Incumbent Administration

Dear Mr. Stern:

I understand that NARA provided incumbent President Joseph R. Biden Jr. with an index to documents in the 15 boxes of Presidential documents subject to the April 11, 2022, special access request. Please provide me – on behalf of former President Donald J. Trump – that index.

Thank you for your attention to this request.

With best regards,



M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The White House
via electronic mail

Mr. Gary M. Stern
April 29, 2022
Page Two

(b) (6), (b) (7)(C)
via electronic mail

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/02/2022 05:51:50 PM
To: Evan Corcoran <(b) (6), (b) (7)(C)>
Cc: John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: April 11, 2022 Special Access Request

Evan, I am responding to your May 1, 2022, letter requesting that NARA provide you with an inventory of the 15 boxes that NARA received from President Trump's Mar-a-Lago residence. Please note that NARA has shared the inventory with the Department of Justice, but has not shared it with the White House.

The Department of Justice has advised NARA that we may provide you with read-only access to the inventory. Accordingly, we can make arrangements for you to review the inventory at one of our buildings in the Washington, DC area. If you are coming from Baltimore, we can meet at our College Park facility; alternatively, we can meet at our Main Archives Building at 700 Pennsylvania Avenue, NW, in Washington, DC.

Please feel free to call me, at (b) (6), (b) (7)(C) if you would like to discuss the logistics of this review.

Sincerely,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Sun, May 1, 2022 at 3:50 PM Evan Corcoran <(b) (6), (b) (7)(C)> wrote:

Mr. Stern:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran

15bRR002189

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Sent time: 05/05/2022 04:26:06 PM
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>; jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; John Laster <john.laster@nara.gov>
Subject: April 11, 2022 Special Access Request
Attachments: 2022-05-05 NARA Letter.pdf

Gary:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran
Partner



400 East Pratt Street
Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)
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2022-05-05 NARA Letter.pdf

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

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Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:
Evan Corcoran
410-385-2225

(b) (6), (b) (7)(C)

May 5, 2022

Via Electronic Mail

Mr. Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: April 11, 2022, Special Access Request From Incumbent Administration

Dear Mr. Stern:

I write to offer a proposal to speed review by representatives of former President Donald J. Trump of the 15 boxes of Presidential documents subject to the April 11, 2022, special access request made by incumbent President Joseph R. Biden Jr. on behalf of the U.S. Department of Justice.

As I understand the circumstances, NARA has set ground rules for the review as follows:

- Although NARA has in the past scanned Presidential documents so that they can be reviewed remotely, these specific documents have not been digitized and must be reviewed in person in a sensitive compartmented information facility (SCIF) located at 700 Pennsylvania Avenue, NW, Washington, DC;
- In order to be granted access to review any classified documents, a representative of the former President must have an active security clearance at a level commensurate with those specific documents;
- The former President's current NARA representatives who possess this level of clearance may not participate in this review;
- While the documents are being reviewed, representatives of NARA and the U.S. Department of Justice will be present;
- Representatives of the former President will only be allowed limited note taking about any document marked as classified.

Mr. Gary M. Stern
May 5, 2022
Page Two

I have two proposals that would speed review. First, I propose that there be three representatives of the former President involved in the review. (b) (6), (b) (7)(C), my associate, and I would review all documents that are not marked classified. Another representative – yet-to-be identified – would review classified documents.

Second, I propose that we receive two versions of the NARA index to these documents. One version would be redacted to the satisfaction of officials at the U.S. Department of Justice. That version would be provided to (b) (6), (b) (7)(C) and me. We would be able to keep that redacted version of the index. The second version, unredacted, would be provided to the yet-to-be identified representative of the former President (who possesses an active security clearance), on a “read only” basis during his or her review of the documents.

I hope that these ideas are helpful to your consideration of the logistics involved. Our goal is to move expeditiously to complete review of these documents in a timely manner once we have a team of representatives who are granted access to the documents. We also understand and appreciate the need to accommodate the interests of other stakeholders involved.

Thank you for considering this request.

With best regards,



M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
The White House
via electronic mail

Mr. Jay Bratt
Chief, Counterintelligence and
Export Control Section
U.S. Department of Justice
via electronic mail

(b) (6), (b) (7)(C)
via electronic mail

From: John Laster <john.laster@nara.gov>
Sent time: 05/13/2022 07:04:27 PM
To: Evan Corcoran <(b) (6), (b) (7)(C)>
Subject: Re: Special Access Request

FYI

On Fri, Apr 29, 2022 at 5:55 PM Evan Corcoran <(b) (6), (b) (7)(C)> wrote:

Dear Mr. Stern:

Please see the attached correspondence.

As always, I am happy to discuss at your convenience.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

--
John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

15bRR002194

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 04/04/2022 11:23:08 AM
To: Gary Stern <garym.stern@nara.gov>
Subject: Request for Access to Boxes
Attachments: Unclass_LHM_CDIIU-0134-22_signed.pdf

Gary:

Attached is the LHM that the FBI has prepared requesting access to the 15 boxes and requesting a 7-day turnaround. Do you also want us to send this to (b) (6), (b) (7)(C) or will you do so? Thanks.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
jay.bratt2@usdoj.gov



U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to LHM: CDIIU-0134-22

April 4, 2022

To: Jay Bratt
Chief
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

From: (b) (6), (b) (7)(C)

Federal Bureau of Investigation

Subj: (U//FOUO) Request for access to the contents of fifteen boxes of presidential records received by the National Archives and Records Administration in February 2022.

(U//FOUO) Assistance is requested from the National Archives and Records Administration (NARA) to review records in its possession related to a referral sent to the Department of Justice (DOJ) in February 2022. Among other information, NARA related these boxes contained unclassified and classified documents and arrived in their possession on or around January 18, 2022.

(U//FOUO) In order to facilitate the review of the records currently in NARA's possession, the FBI seeks DOJ assistance to coordinate this request with NARA. Section 2205(20)(b) of Title 44 of the United States Code permits an incumbent President to seek access to presidential records otherwise restricted from public access "if such records contain information that is needed for the conduct of current business of the incumbents President's office." Consistent with past practice, the FBI requests DOJ coordination with White House Counsel on this matter.

(U//FOUO) FBI personnel accessing the requested records will have the proper clearances to facilitate the review of the same. Further, to allow the FBI to maintain the records, the FBI requests NARA retain the originals and provide copies of all records within seven (7) days from the date of the incumbent President's request.

(U//FOUO) The FBI appreciates NARA's assistance in this matter. The FBI Counterintelligence Division points of contact for this matter are (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C).

Unclass_LHM_CDIIU-0134-22_signed.pdf

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/04/2022 12:04:00 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: Re: Request for Access to Boxes

I will give you a call in a few minutes to discuss, before we move forward on this -- or let me know when you're free?

Thanks,

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 4, 2022 at 11:24 AM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

Attached is the LHM that the FBI has prepared requesting access to the 15 boxes and requesting a 7-day turnaround. Do you also want us to send this to (b) (6), (b) (7)(C) or will you do so? Thanks.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

15bRR002199

|

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 04/04/2022 12:06:02 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: RE: [EXTERNAL] Re: Request for Access to Boxes

I'm free now.

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, April 4, 2022 12:04 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: [EXTERNAL] Re: Request for Access to Boxes

I will give you a call in a few minutes to discuss, before we move forward on this -- or let me know when you're free?

Thanks,

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[REDACTED]

[REDACTED]

On Mon, Apr 4, 2022 at 11:24 AM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

Attached is the LHM that the FBI has prepared requesting access to the 15 boxes and requesting a 7-day turnaround. Do you also want us to send this to (b) (6), (b) (7)(C) or will you do so? Thanks.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
jay.bratt2@usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/04/2022 12:08:22 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: Re: [EXTERNAL] Re: Request for Access to Boxes

I can call you in about 5-10 minutes.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 4, 2022 at 12:06 PM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

I'm free now.

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, April 4, 2022 12:04 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: [EXTERNAL] Re: Request for Access to Boxes

I will give you a call in a few minutes to discuss, before we move forward on this -- or let me know when you're free?

Thanks,

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

15bRR002202

[Redacted]

[Redacted]

On Mon, Apr 4, 2022 at 11:24 AM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

Attached is the LHM that the FBI has prepared requesting access to the 15 boxes and requesting a 7-day turnaround. Do you also want us to send this to (b) (6), (b) (7)(C) or will you do so? Thanks.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 04/04/2022 12:10:43 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: RE: [EXTERNAL] Re: Request for Access to Boxes

Okay. I'll be here.

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, April 4, 2022 12:08 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: Re: [EXTERNAL] Re: Request for Access to Boxes

I can call you in about 5-10 minutes.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[REDACTED]

[REDACTED]

On Mon, Apr 4, 2022 at 12:06 PM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

I'm free now.

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, April 4, 2022 12:04 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: [EXTERNAL] Re: Request for Access to Boxes

I will give you a call in a few minutes to discuss, before we move forward on this -- or let me know when you're free?

Thanks,

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

On Mon, Apr 4, 2022 at 11:24 AM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

Attached is the LHM that the FBI has prepared requesting access to the 15 boxes and requesting a 7-day turnaround. Do you also want us to send this to (b) (6), (b) (7)(C) or will you do so? Thanks.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
jay.bratt2@usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/04/2022 12:20:05 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: Re: Request for Access to Boxes

Here's is (b) (6), (b) (7)(C) email address: (b) (6), (b) (7)(C) who.eop.gov

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 4, 2022 at 11:24 AM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

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Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 04/04/2022 12:22:20 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: RE: [EXTERNAL] Re: Request for Access to Boxes

Thanks.

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, April 4, 2022 12:20 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: [EXTERNAL] Re: Request for Access to Boxes

Here's is (b) (6), (b) (7)(C) email address: (b) (6), (b) (7)(C) who.eop.gov

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[Redacted]

[Redacted]

On Mon, Apr 4, 2022 at 11:24 AM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

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Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/07/2022 10:52:19 AM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: Re: [EXTERNAL] Re: Request for Access to Boxes

Let me know where things stand with this request.

Also, in case you haven't seen it yet, here's a link to Chairwoman Maloney's letter to the AG complaining that "the Department of Justice is preventing NARA from cooperating with the Committee's request, which is interfering with the Committee's investigation."

<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-04-07.CBM%20to%20Garland-DOJ%20re%20NARA%20PRA.pdf>

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 4, 2022 at 12:22 PM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Thanks.

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, April 4, 2022 12:20 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: [EXTERNAL] Re: Request for Access to Boxes

Here's is (b) (6), (b) (7)(C) email address: (b) (6), (b) (7)(C) who.eop.gov

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

15bRR002208

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

|

| | | | |

On Mon, Apr 4, 2022 at 11:24 AM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

Attached is the LHM that the FBI has prepared requesting access to the 15 boxes and requesting a 7-day turnaround. Do you also want us to send this to (b) (6), (b) (7)(C) or will you do so? Thanks.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

15bRR002209

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 04/08/2022 12:32:31 PM
To: (b) (6), (b) (7)(C) who.eop.gov
Cc: Gary Stern <garym.stern@nara.gov>
Subject: Request for Access to Materials at NARA
Attachments: CDIIU-0134-22_LHM_to_DOJ_current.pdf

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
jay.bratt2@usdoj.gov

UNCLASSIFIED//FOUO



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to LHM: CDIIU-0134-22

April 8, 2022

To: Jay Bratt
Chief
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

From: (b) (6), (b) (7)(C)

Federal Bureau of Investigation

Subj: (U//FOUO) Request for access to the contents of fifteen boxes of materials received by the National Archives and Records Administration in February 2022.

(U//FOUO) Assistance is requested from the National Archives and Records Administration (NARA) to review materials in its possession related to a referral sent to the Department of Justice (DOJ) in February 2022. Among other information, NARA related that these boxes arrived in their possession on or around January 18, 2022, and contained unclassified documents as well as certain items "marked as classified national security information."

(U//FOUO) In order to facilitate the review of the above-described materials currently in NARA's possession, the FBI seeks DOJ assistance to coordinate this request with NARA. Section 2205(2)(b) of Title 44 of the United States Code permits an incumbent President to seek access to presidential records otherwise restricted from public access "if such records contain information that is needed for the conduct of current business of the incumbents President's office." Consistent with past practice, the FBI requests DOJ coordination with White House Counsel on this matter.

UNCLASSIFIED//FOUO

Page 1 of 2

15bRR002212

UNCLASSIFIED//FOUO

(U//FOUO) The FBI requests access to the original materials starting no later than seven (7) days after the date of the incumbent President's request. FBI personnel accessing the requested materials will have the proper clearances to facilitate the review of the same. Further, to allow the FBI to maintain the materials it needs, the FBI requests that NARA retain the originals and provide to the FBI copies of all specific items the FBI requests based upon its review of the original materials.

(U//FOUO) The FBI appreciates NARA's assistance in this matter. The FBI Counterintelligence Division points of contact for this matter are (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

UNCLASSIFIED//FOUO

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 04/11/2022 12:20:07 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: DOJ Letter to Chairwoman Maloney
Attachments: 2022.04.11-OUT-Maloney-NARA PRA - Final.pdf

Gary:

Please see the attached letter that was sent to the Hill today from our Office of Legislative Affairs. Based on our prior discussions, you responded to the most recent Congressional request by providing no comment and referring them to DOJ. Consistent with that approach and the attached letter, please continue to handle any future requests about this matter in the same way and simply refer them to DOJ. Thank you.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
jay.bratt2@usdoj.gov



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Carolyn Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Maloney,

Thank you for your letter dated April 7, 2022, regarding correspondence you received from the National Archives and Records Administration (NARA). We appreciate the opportunity to explain our position in this matter.

As NARA has explained previously in correspondence with you, as part of NARA's role in collecting and archiving the records of the Trump Administration, NARA received boxes of materials that included certain items "marked as classified national security information."¹ Based upon NARA's concerns about whether such materials had been properly handled, it referred this matter to the Department of Justice (Department). As the Attorney General said in February when asked about this matter: The Department "will do what we always do under these circumstances—look at the facts and the law and take it from there."²

While we have great respect for the oversight authority of the House Committee on Oversight and Reform (Committee), in light of the Department's law enforcement responsibilities, and consistent with NARA's response to you on March 28, 2022, the Department previously asked NARA not to share or otherwise disclose to others information relating to this matter in order to protect the integrity of our ongoing work. Based upon that request, NARA referred you to the Department. As you know, the Department's longstanding policy, across administrations of both parties, is "to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch, [and] the Department's goal in all cases is to satisfy legitimate legislative interests while protecting Executive Branch confidentiality interests. Examples of confidential

¹ Letter from David S. Ferriero to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022), available at <https://www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf>.

² Matt Zaposky, *Commenting on classified material found at Mar-a-Lago, Garland says Justice Dept. will 'look at the facts and the law,'* Washington Post (Feb. 22, 2022).

information include ... information the disclosure of which might compromise open criminal investigations or prosecutions or civil cases.”³

With respect to your request for a briefing on this matter, under well established Department policy, we are unable to provide your office with information related to this matter at this time.⁴ We appreciate that your letter to the Department acknowledged that the Committee “does not wish to interfere in any manner with any potential or ongoing [Department] investigation.”

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Peter S. Hyun
Acting Assistant Attorney General

³ Letter from Assistant Attorney General Robert Raben to Chairman John Linder, Subcommittee on Rules and Organization of the House, Committee on Rules at 2-3 (Jan. 27, 2000), *available at* <https://www.justice.gov/file/1080046/download>.

⁴ *Id.* at 3 (“Congressional inquiries during the pendency of a matter pose an inherent threat to the integrity of the Department’s law enforcement and litigation functions. Such inquiries inescapably create the risk that the public and the courts will perceive undue political and Congressional influence over law enforcement and litigation decisions. Such inquiries often seek records and other information that our responsibilities for these matters preclude us from disclosing.”).

From: (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>
Sent time: 04/11/2022 12:51:08 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Cc: Gary Stern <garym.stern@nara.gov>
Subject: RE: Request for Access to Materials at NARA

This request is affirmed. Thanks!

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent: Friday, April 8, 2022 12:33 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>
Subject: Request for Access to Materials at NARA

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 04/11/2022 09:26:14 PM
To: (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>
Subject: Re: [EXTERNAL] RE: Request for Access to Materials at NARA

Thank you.

On Apr 11, 2022, at 12:51 PM, (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov> wrote:

This request is affirmed. Thanks!

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent: Friday, April 8, 2022 12:33 PM
To: (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>
Subject: Request for Access to Materials at NARA

(b) (6), (b) (7)(C):

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
jay.bratt2@usdoj.gov

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>
Sent time: 04/21/2022 12:17:42 PM
To: Laster, John <john.laster@nara.gov>; Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>; Loeb, Emily M. (ODAG) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: House Oversight special access request (2/24/22)
Attachments: 2022-02-24.CBM to Ferriero-NARA re Document Request (5).pdf

Hi Gary and John,

Could you please provide all past and future notifications related to the House Oversight request to NARA of February 24, 2022 (attached) to (b) (6), (b) (7)(C) so that DOJ (OLC) can advise on our privilege review?

Thanks so much.

(b) (6), (b) (7)(C)

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

February 24, 2022

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Mr. Ferriero:

The Oversight Committee is seeking additional documents about former President Donald Trump's removal of classified documents and presidential records from the White House, President Trump's attempt to destroy records by tearing them into pieces, and other presidential records from the Trump Administration that are missing. In response to a request from the Committee, the National Archives and Records Administration (NARA) provided new details of what appear to be the largest-scale violations of the Presidential Records Act since its enactment. I am deeply concerned that former President Trump may have violated the law through his intentional efforts to remove and destroy records that belong to the American people. This Committee plans to get to the bottom of what happened and assess whether further action is needed to prevent the destruction of additional presidential records and recover those records that are still missing.

On February 9, 2022, the Committee sought information related to the 15 boxes of presidential records recovered from the former president's Mar-a-Lago residence and recent reports that Mr. Trump attempted to destroy documents while serving as president.¹ On February 18, 2022, you sent two letters constituting a partial response and identifying significant potential violations of the Presidential Records Act and other federal laws governing the preservation of federal records, but you did not provide all the information the Committee requested.²

¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States (Feb. 9, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-09.CBM%20to%20Ferriero-NARA%20re%20Trump%20Mar-a-Lago%20FINAL.pdf>).

² Letter from David S. Ferriero, Archivist of the United States, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022) (responding in part to the Committee's February 9, 2022, letter) (online at www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf); Letter from David S. Ferriero, Archivist of the United States, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022) (describing the Trump Administration's failure to capture social media records) (online at www.archives.gov/files/foia/ferriero-letter-to-maloney-on-trump-presidential-records-on-social).

Your response confirmed that “NARA has identified items marked as classified national security information within the boxes” recovered at Mar-a-Lago, and that “NARA staff has been in communication with the Department of Justice” regarding this discovery. In response to the Committee’s request for an inventory of the contents of the 15 boxes, you stated the inventory should be completed by February 25 and that the Committee could request the inventory under Section 2205(2)(C) of the PRA.³

Your response also provided concerning new information about Mr. Trump’s destruction or attempted destruction of documents while serving as president. You stated that following press reports in 2018 that President Trump was tearing up records, NARA wrote to the Deputy Counsel for the President requesting information and that “[t]he White House Counsel’s Office indicated that they would address the matter.” However, you wrote that after this incident, “NARA learned that additional paper records that had been torn up by former President Trump were included in the records transferred to us.” You also wrote that White House staff had “taped together some of the torn-up records” but that “a number of other torn-up records that were transferred had not been reconstructed by the White House.”⁴

Your response also indicated that the Trump Administration failed to preserve other presidential records, and that NARA is continuing to search for missing records from the Trump Administration. You explained:

NARA has identified certain social media records that were not captured and preserved by the Trump Administration. NARA has also learned that some White House staff conducted official business using non-official electronic messaging accounts that were not copied or forwarded into their official electronic messaging accounts, as required by section 2209 of the PRA.⁵

On February 18, 2022, you also sent me a detailed description of the Trump Administration’s failure to capture and preserve presidential records on social media platforms. Among other information, your letter indicated that:

- The Trump Administration failed to adequately capture and preserve all tweets that the former president posted in the course of his official duties, including deleted tweets, despite being warned by NARA as far back as March 2017;
- The Trump Administration failed to preserve deleted content from the former president’s other social media accounts, and failed to preserve the former president’s Facebook, Instagram, and SnapChat accounts after he was suspended or banned from those platforms;

media-platforms.02.18.2022.pdf).

³ 44 U.S.C. § 2205(2)(C).

⁴ Letter from David S. Ferriero, Archivist of the United States, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022) (responding in part to the Committee’s February 9, 2022, letter) (online at www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf).

⁵ *Id.*

- The Trump Administration appears to have failed to preserve the former president's direct or private messages on social media accounts; and
- The Trump Administration failed to capture presidential records from the Twitter accounts of seven White House aides, including Ivanka Trump, Mark Meadows, Peter Navarro, and others.⁶

The information in your response suggests that former President Trump and his senior aides may have repeatedly violated the Presidential Records Act and other federal laws, which could severely impact the preservation of records from the Trump Administration. The Committee needs additional documents and information uniquely available from NARA to investigate the full extent of this conduct and determine what additional steps, including potential legislative reforms, may be needed to ensure the preservation of presidential records for the American people.

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. The Committee has legislative jurisdiction over the Presidential Records Act and the Federal Records Act and has a long history of conducting oversight related to compliance with these laws.⁷

For all these reasons, pursuant to the Presidential Records Act,⁸ please provide by March 10, 2022:

1. A detailed description of the contents of the boxes recovered from Mar-a-Lago, including any inventory prepared by NARA of the contents of the boxes, and identification of any items that are classified and the level of classification including, if necessary, a classified index;

⁶ *Id.*

⁷ See, e.g., Committee on Oversight and Government Reform, *Press Release: Chaffetz, Cummings Urge Compliance with Federal Recordkeeping Laws* (Mar. 17, 2017) (online at <https://oversight.house.gov/news/press-releases/chaffetz-cummings-urge-compliance-with-federal-recordkeeping-laws>); Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Donald F. McGahn II, White House Counsel (Sept. 25, 2017) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2017/09/2017-09-25-TG-EEC-to-McGahn-WH-Presidential-Records-Act-due-10-9.pdf>); Committee on Oversight and Reform, *Press Release: Committee Approves Subpoena to White House for Emails Sent on Personal Accounts in Violation of Federal Law* (July 25, 2019) (online at <https://oversight.house.gov/news/press-releases/committee-approves-subpoena-to-white-house-for-emails-sent-on-personal-accounts>); Committee on Oversight and Reform, *Press Release: Chairwoman Maloney Seeks Details from National Archives on the Trump Administration's Compliance with Presidential Records Act* (Dec. 21, 2020) (online at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-seeks-details-from-national-archives-on-the-trump>); Committee on Oversight and Reform, *Hearing on Examining Preservation of State Department Federal Records*, 114th Cong. (Sept. 13 and Sept. 22, 2016) (H. Rept. 114-161) (online at www.govinfo.gov/content/pkg/CHRG-114hhrg26120/pdf/CHRG-114hhrg26120.pdf).

⁸ 44 U.S.C. § 2205(2)(C).

2. A detailed description of any reviews conducted by other federal agencies of the information in the recovered boxes since the boxes were obtained by NARA, including with respect to classified information; the findings from these reviews; and the anticipated completion date of any reviews that are ongoing;
3. All presidential records transferred to NARA that NARA learned former President Trump had torn up, destroyed, mutilated, or attempted to tear up, destroy, or mutilate;
4. Any written responses from Deputy Counsel to the President Stefan Passantino, or any other White House official to NARA's June 14, 2018, letter to the Trump Administration; and
5. All letters sent by NARA to the Trump Administration related to the Presidential Records Act not already provided to the Committee and any responses from the Trump Administration to those letters.

In addition, pursuant to the Presidential Records Act,⁹ the Committee requests that you produce by March 17, 2022, the following documents from the records of President Donald Trump's Executive Office of the President (EOP) in your possession, custody, or control:

1. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to the use of personal messaging accounts for official business;
2. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to the attempted or actual destruction, tearing up, taping together, relocation, or removal of any presidential records or materials;
3. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to communications with former President Trump about the Presidential Records Act or White House policies on recordkeeping;
4. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to White House employees or contractors finding paper in a toilet in the White House, including the White House residence;

⁹ 44 U.S.C. § 2205(2)(C).

5. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to missing records; and
6. Documents and communications received, prepared, or sent between January 20, 2020, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to determinations of whether to transfer records to NARA.

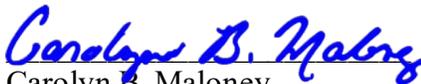
For requests 1 through 6, please prioritize producing records from the following custodians: Pat Cipollone; John Kelly; Nicholas Luna; Derek Lyons; Don McGahn; Mark Meadows; Stefan Passantino; Robert Porter; Reince Priebus; and Madeleine Westerhout.

7. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to the preservation or destruction of records from social media accounts, including direct messaging on social media accounts.

For request seven, please prioritize producing records from the following custodians: Andrew Giuliani, Chad Gilmartin, Ivanka Trump, Kayleigh McEnany, Kellyanne Conway, Mark Meadows, and Peter Navarro. Please also prioritize producing records related to methods of archiving social media accounts, including records related to the disconnection of the account @realDonaldTrump from ArchiveSocial.

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.

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/02/2022 01:55:35 PM
To: Bratt, Jay (NSD) <jay.bratt2@usdoj.gov>
Subject: Inventory

Jay, please give me a call at your earliest convenience about this issue, at (b) (6), (b) (7)(C) I also left you a voicemail.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/02/2022 07:47:07 PM
To: (b) (6), (b) (7)(C) usdoj.gov; Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Tue, Apr 12, 2022 at 12:34 PM
Subject: Special Access Request from Incumbent Administration
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

15bRR002230



From: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Sent time: 05/03/2022 04:50:31 AM
To: Gary Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: RE: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Thanks, Gary. Can you also please send a copy of any notice that you may have sent to the incumbent President and the AG of the Archivist's intent to disclose the records (see Exec. Order section 2(a))? Thanks again.

Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, May 2, 2022 7:47 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[Redacted]

[Redacted]

----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Tue, Apr 12, 2022 at 12:34 PM
Subject: Special Access Request from Incumbent Administration
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

15bRR002232

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,
Gary

Gary M. Stern
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

|

| | | | |

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/03/2022 08:03:02 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration
Attachments: ~WRD0002.jpg ~WRD0002.jpg

When the request is from the incumbent under 2205(2)(B), we don't notify the incumbent of his own request.

Gary M. Stern
General Counsel
National Archives and Records Administration

On Tue, May 3, 2022, 4:50 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Thanks, Gary. Can you also please send a copy of any notice that you may have sent to the incumbent President and the AG of the Archivist's intent to disclose the records (see Exec. Order section 2(a))? Thanks again.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, May 2, 2022 7:47 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

8601 Adelphi Road
College Park, MD 20740

15bRR002234

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov



----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

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Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

15bRR002235

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

From: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Sent time: 05/03/2022 08:36:15 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: RE: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Sorry, not a notification of the *request*—a notification of the Archivist’s “*intent to disclose* Presidential records pursuant to ... the NARA regulations,” which is what triggers the privilege-claim process under E.O. section 2(a).

Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, May 3, 2022 8:03 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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General Counsel
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Gary M. Stern
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301-837-3026 (office)
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garym.stern@nara.gov

[Redacted]

[Redacted]

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Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[Redacted]

[Redacted]

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/03/2022 08:56:16 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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Gary M. Stern
General Counsel
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College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, May 3, 2022 at 8:36 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Sorry, not a notification of the *request*—a notification of the Archivist’s “*intent to disclose* Presidential records pursuant to ... the NARA regulations,” which is what triggers the privilege-claim process under E.O. section 2(a).

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, May 3, 2022 8:03 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

When the request is from the incumbent under 2205(2)(B), we don't notify the incumbent of his own request.

Gary M. Stern
General Counsel

15bRR002241

On Tue, May 3, 2022, 4:50 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Thanks, Gary. Can you also please send a copy of any notice that you may have sent to the incumbent President and the AG of the Archivist's intent to disclose the records (see Exec. Order section 2(a))? Thanks again.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Monday, May 2, 2022 7:47 PM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

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Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

15bRR002243

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/03/2022 09:04:02 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Actually, to clarify, the notification to the former below constitutes our notice that we intend to disclose the records to the incumbent after the time period has ended (even if it doesn't explicitly say so). But again, since the request is from the incumbent, we wouldn't notify the incumbent of our intent to disclose the records to him -- we simply give him/the administration the records.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, May 3, 2022 at 8:56 AM Gary Stern <garym.stern@nara.gov> wrote:

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Gary M. Stern
General Counsel
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College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
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garym.stern@nara.gov



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Marty Lederman
Deputy Assistant Attorney General

15bRR002245

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:03 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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Gary M. Stern
General Counsel
National Archives and Records Administration

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Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Monday, May 2, 2022 7:47 PM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

15bRR002246

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

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15bRR002247

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

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| | | | |

From: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Sent time: 05/03/2022 09:06:16 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: RE: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Are you sure? Section 2(a) refers to the (old) 1270.46, which was written in general terms and which expressly referenced the special-access provision (1270.44) as being encompassed:

§ 1270.46 Notice of intent to disclose Presidential records.

(a) The Archivist or his designee shall notify a former President or his designated representative(s) before any Presidential records of his Administration are disclosed.

(b)(1) The notice given by the Archivist or his designee shall:

- (i) Be in writing;
- (ii) Identify the particular records with reasonable specificity;
- (iii) State the reason for the disclosure; and
- (iv) Specify the date on which the record will be disclosed.

(2) **In the case of records to be disclosed in accordance with § 1270.44**, the notice shall also:

- (i) Identify the requester and the nature of the request;
- (ii) Specify whether the requested records contain materials to which access would otherwise be restricted pursuant to 44 U.S.C. 2204(a) and identify the category of restriction within which the record to be disclosed falls; and
- (iii) Specify the date of the request.

(c) If, after receiving the notice required by paragraph (a) of this section, a former President raises rights or privileges which he believes should preclude the disclosure of a Presidential record, and the Archivist nevertheless determines that the record in question should be disclosed, in whole or in part, the Archivist shall notify the former President or his representative of this determination. The notice given by the Archivist or his designee shall:

- (1) Be in writing;
- (2) State the basis upon which the determination to disclose the record is made; and
- (3) Specify the date on which the record will be disclosed.

(d) The Archivist shall not disclose any records covered by any notice required by paragraph (a) or (c) of this section for at least 30 calendar days from receipt of the notice by the former President, unless a shorter time period is required by a demand for Presidential records under § 1270.44.

(e) Copies of all notices provided to former Presidents under this section shall be provided at the same time to the incumbent President.

<Part effective until July 10, 2017.>

SOURCE: 53 FR 50404, Dec. 15, 1988; 70 FR 16717, April 1, 2005, unless otherwise noted.

Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, May 3, 2022 8:56 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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garym.stern@nara.gov

[REDACTED]

[REDACTED]

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Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, May 2, 2022 7:47 PM

15bRR002250

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Tue, Apr 12, 2022 at 12:34 PM
Subject: Special Access Request from Incumbent Administration
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: Laster, John <john.laster@nara.gov>

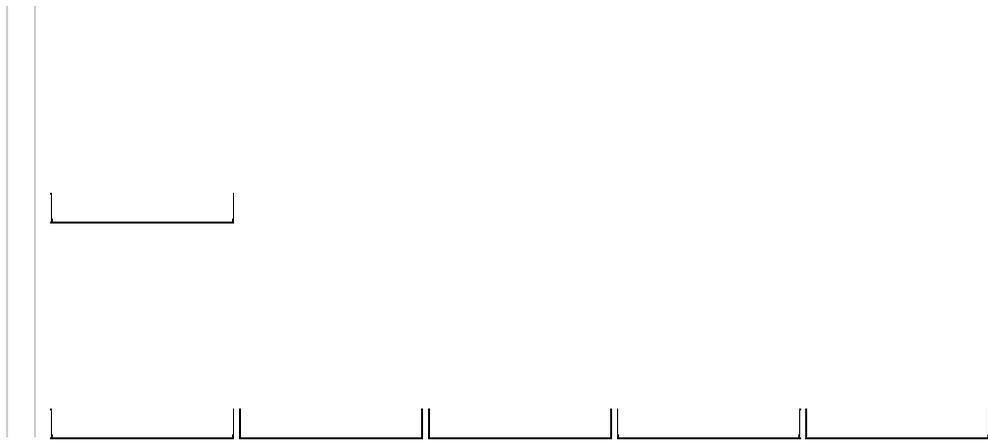
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garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/03/2022 09:25:08 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Right -- until Trump, no former President had ever raised any rights or privileges, so we had never done the follow-up notice. Since Trump has been routinely doing it for January 6 notifications, I have been forwarding by email the privilege letter just to WHCO (who then forwards it to DOJ). Because Evan Corcoran cc'd (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on his letters asserting privilege, there was no reason for me to forward it to them.

Sorry for the confusion.

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, May 3, 2022 at 9:06 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Are you sure? Section 2(a) refers to the (old) 1270.46, which was written in general terms and which expressly referenced the special-access provision (1270.44) as being encompassed:

§ 1270.46 Notice of intent to disclose Presidential records.

(a) The Archivist or his designee shall notify a former President or his designated representative(s) before any Presidential records of his Administration are disclosed.

(b)(1) The notice given by the Archivist or his designee shall:

- (i) Be in writing;
- (ii) Identify the particular records with reasonable specificity;
- (iii) State the reason for the disclosure; and
- (iv) Specify the date on which the record will be disclosed.

(2) In the case of records to be disclosed in accordance with § 1270.44, the notice shall also:

(i) Identify the requester and the nature of the request;

(ii) Specify whether the requested records contain materials to which access would otherwise be restricted pursuant to 44 U.S.C. 2204(a) and identify the category of restriction within which the record to be disclosed falls; and

(iii) Specify the date of the request.

(c) If, after receiving the notice required by paragraph (a) of this section, a former President raises rights or privileges which he believes should preclude the disclosure of a Presidential record, and the Archivist nevertheless determines that the record in question should be disclosed, in whole or in part, the Archivist shall notify the former President or his representative of this determination. The notice given by the Archivist or his designee shall:

(1) Be in writing;

(2) State the basis upon which the determination to disclose the record is made; and

(3) Specify the date on which the record will be disclosed.

(d) The Archivist shall not disclose any records covered by any notice required by paragraph (a) or (c) of this section for at least 30 calendar days from receipt of the notice by the former President, unless a shorter time period is required by a demand for Presidential records under § 1270.44.

(e) Copies of all notices provided to former Presidents under this section shall be provided at the same time to the incumbent President.

<Part effective until July 10, 2017.>

SOURCE: 53 FR 50404, Dec. 15, 1988; 70 FR 16717, April 1, 2005, unless otherwise noted.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:56 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

That process/provision (section 2(a) of EO 13489) applied to public access requests (now superseded by 44 USC 2208), and there is no practice of that kind for special access requests. Feel free to call me to discuss.

Gary M. Stern

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(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[REDACTED]

[REDACTED]

On Tue, May 3, 2022 at 8:36 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Sorry, not a notification of the *request*—a notification of the Archivist’s “*intent to disclose* Presidential records pursuant to ... the NARA regulations,” which is what triggers the privilege-claim process under E.O. section 2(a).

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

15bRR002255

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, May 3, 2022 8:03 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

When the request is from the incumbent under 2205(2)(B), we don't notify the incumbent of his own request.

Gary M. Stern
General Counsel
National Archives and Records Administration

On Tue, May 3, 2022, 4:50 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Thanks, Gary. Can you also please send a copy of any notice that you may have sent to the incumbent President and the AG of the Archivist's intent to disclose the records (see Exec. Order section 2(a))? Thanks again.

Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, May 2, 2022 7:47 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

15bRR002257

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

|

| | | | |

From: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Sent time: 05/03/2022 09:39:51 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: RE: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Sorry, I'm not being clear. The steps the E.O. appears to contemplate:

1. One of the three entities – here, the POTUS – makes a request.
2. The Archivist informs and current and former presidents, and the AG, that she intends to comply with it, offering an opportunity to assert privilege claims.
3. One or both presidents assert privilege (or the time expires)
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1 and 3 happened here, as did 2 as to Trump (that's the email below). But there wasn't any notification to Biden and Garland—perhaps, as you're suggesting, because it's redundant when the POTUS himself made the request?

Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, May 3, 2022 9:25 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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Sorry for the confusion.

Gary

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- (i) Identify the requester and the nature of the request;
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(c) If, after receiving the notice required by paragraph (a) of this section, a former President raises rights or privileges which he believes should preclude the disclosure of a Presidential record, and the Archivist nevertheless determines that the record in question should be disclosed, in whole or in part, the Archivist shall notify the former President or his representative of this determination. The notice given by the Archivist or his designee shall:

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(d) The Archivist shall not disclose any records covered by any notice required by paragraph (a) or (c) of this section for at least 30 calendar days from receipt of the notice by the former President, unless a shorter time period is required by a demand for Presidential records under § 1270.44.

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<Part effective until July 10, 2017.>

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Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:56 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

That process/provision (section 2(a) of EO 13489) applied to public access requests (now superseded by 44 USC 2208), and there is no practice of that kind for special access requests. Feel free to call me to discuss.

Gary M. Stern
General Counsel
National Archives and Records Administration
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15bRR002260

College Park, MD 20740

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301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[REDACTED]

[REDACTED]

On Tue, May 3, 2022 at 8:36 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov> wrote:

Sorry, not a notification of the *request*—a notification of the Archivist’s “*intent to disclose* Presidential records pursuant to ... the NARA regulations,” which is what triggers the privilege-claim process under E.O. section 2(a).

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Sent: Tuesday, May 3, 2022 8:03 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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General Counsel
National Archives and Records Administration

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Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, May 2, 2022 7:47 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

15bRR002261

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

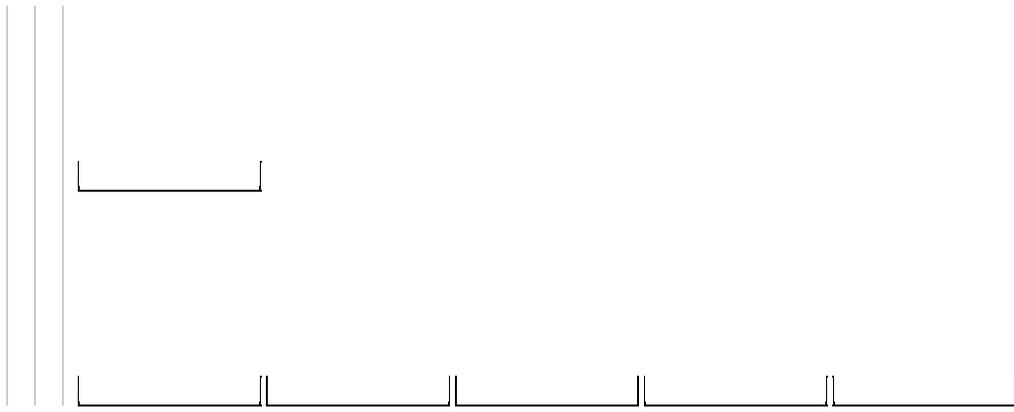
(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/03/2022 09:45:18 AM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Correct -- when the incumbent is making the request, we don't follow step 2, i.e., notify the incumbent of his own request, because indeed it would be redundant.

(b) (5)

Again, happy to talk all this through if that would be easier.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, May 3, 2022 at 9:40 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

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Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

15bRR002264

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 9:25 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Right -- until Trump, no former President had ever raised any rights or privileges, so we had never done the follow-up notice. Since Trump has been routinely doing it for January 6 notifications, I have been forwarding by email the privilege letter just to WHCO (who then forwards it to DOJ). Because Evan Corcoran cc'd (b) (6), (b) (7)(C) on his letters asserting privilege, there was no reason for me to forward it to them.

Sorry for the confusion.

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[Redacted]

[Redacted]

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<Part effective until July 10, 2017.>

SOURCE: 53 FR 50404, Dec. 15, 1988; 70 FR 16717, April 1, 2005, unless otherwise noted.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:56 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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Gary M. Stern

General Counsel
National Archives and Records Administration

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Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:03 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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Gary M. Stern

General Counsel

National Archives and Records Administration

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Thanks, Gary. Can you also please send a copy of any notice that you may have sent to the incumbent President and the

15bPR002268

AG of the Archivist's intent to disclose the records (see Exec. Order section 2(a))? Thanks again.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Monday, May 2, 2022 7:47 PM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

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College Park, MD 20740

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301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[Redacted]

15bRR002269

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCT).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/03/2022 07:26:01 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Saw you called. Do you need me to call you back this evening, or will you be getting edits back to me tomorrow?

Gary M. Stern
General Counsel
National Archives and Records Administration

On Tue, May 3, 2022, 9:45 AM Gary Stern <garym.stern@nara.gov> wrote:

Correct -- when the incumbent is making the request, we don't follow step 2, i.e., notify the incumbent of his own request, because indeed it would be redundant.

(b) (5)

Again, happy to talk all this through if that would be easier.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, May 3, 2022 at 9:40 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Sorry, I'm not being clear. The steps the E.O. appears to contemplate:

1. One of the three entities – here, the POTUS – makes a request.
2. The Archivist informs current and former presidents, and the AG, that she intends to comply with it, offering an opportunity to assert privilege claims.
3. One or both presidents assert privilege (or the time expires)
4. If the Archivist determines to disclose the documents even though there was a privilege claim, she notifies the parties.

1 and 3 happened here, as did 2 as to Trump (that's the email below). But there wasn't any notification to Biden and Garland —perhaps, as you're suggesting, because it's redundant when the POTUS himself made the request?

Marty Lederman

15bRR002272

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 9:25 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Right -- until Trump, no former President had ever raised any rights or privileges, so we had never done the follow-up notice. Since Trump has been routinely doing it for January 6 notifications, I have been forwarding by email the privilege letter just to WHCO (who then forwards it to DOJ). Because Evan Corcoran cc'd (b) (6), (b) (7)(C) on his letters asserting privilege, there was no reason for me to forward it to them.

Sorry for the confusion.

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[REDACTED]

15bRR002273

On Tue, May 3, 2022 at 9:06 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov> wrote:

Are you sure? Section 2(a) refers to the (old) 1270.46, which was written in general terms and which expressly referenced the special-access provision (1270.44) as being encompassed:

§ 1270.46 Notice of intent to disclose Presidential records.

(a) The Archivist or his designee shall notify a former President or his designated representative(s) before any Presidential records of his Administration are disclosed.

(b)(1) The notice given by the Archivist or his designee shall:

- (i) Be in writing;
- (ii) Identify the particular records with reasonable specificity;
- (iii) State the reason for the disclosure; and
- (iv) Specify the date on which the record will be disclosed.

(2) **In the case of records to be disclosed in accordance with § 1270.44**, the notice shall also:

- (i) Identify the requester and the nature of the request;
- (ii) Specify whether the requested records contain materials to which access would otherwise be restricted pursuant to 44 U.S.C. 2204(a) and identify the category of restriction within which the record to be disclosed falls; and
- (iii) Specify the date of the request.

(c) If, after receiving the notice required by paragraph (a) of this section, a former President raises rights or privileges which he believes should preclude the disclosure of a Presidential record, and the Archivist nevertheless determines that the record in question should be disclosed, in whole or in part, the Archivist shall notify the former President or his representative of this determination. The notice given by the Archivist or his designee shall:

- (1) Be in writing;
- (2) State the basis upon which the determination to disclose the record is made; and
- (3) Specify the date on which the record will be disclosed.

(d) The Archivist shall not disclose any records covered by any notice required by paragraph (a) or (c) of this section for at least 30 calendar days from receipt of the notice by the former President, unless a shorter time period is required by a demand for Presidential records under § 1270.44.

(e) Copies of all notices provided to former Presidents under this section shall be provided at the same time to the incumbent President.

<Part effective until July 10, 2017.>

SOURCE: 53 FR 50404, Dec. 15, 1988; 70 FR 16717, April 1, 2005, unless otherwise noted.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:56 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

That process/provision (section 2(a) of EO 13489) applied to public access requests (now superseded by 44 USC 2208), and there is no practice of that kind for special access requests. Feel free to call me to discuss.

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

15bRR002275

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

On Tue, May 3, 2022 at 8:36 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov> wrote:

Sorry, not a notification of the *request*—a notification of the Archivist’s “*intent to disclose* Presidential records pursuant to ... the NARA regulations,” which is what triggers the privilege-claim process under E.O. section 2(a).

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:03 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

When the request is from the incumbent under 2205(2)(B), we don't notify the incumbent of his own request.

Gary M. Stern

General Counsel

National Archives and Records Administration

15bRR002276

On Tue, May 3, 2022, 4:50 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov> wrote:

Thanks, Gary. Can you also please send a copy of any notice that you may have sent to the incumbent President and the AG of the Archivist's intent to disclose the records (see Exec. Order section 2(a))? Thanks again.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Monday, May 2, 2022 7:47 PM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)usdoj.gov>

Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

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National Archives and Records Administration

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301-837-3026 (office)

301-837-0293 (fax)

15bRR002278

[Redacted]

[Redacted]

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/03/2022 08:49:08 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Let me know if you want to talk any further this evening?

Gary M. Stern
General Counsel
National Archives and Records Administration

On Tue, May 3, 2022, 7:26 PM Gary Stern <garym.stern@nara.gov> wrote:

Saw you called. Do you need me to call you back this evening, or will you be getting edits back to me tomorrow?

Gary M. Stern
General Counsel
National Archives and Records Administration

On Tue, May 3, 2022, 9:45 AM Gary Stern <garym.stern@nara.gov> wrote:

Correct -- when the incumbent is making the request, we don't follow step 2, i.e., notify the incumbent of his own request, because indeed it would be redundant.

(b) (5)

Again, happy to talk all this through if that would be easier.

Gary M. Stern
General Counsel
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8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, May 3, 2022 at 9:40 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

Sorry, I'm not being clear. The steps the E.O. appears to contemplate:

1. One of the three entities – here, the POTUS – makes a request.
2. The Archivist informs current and former presidents, and the AG, that she intends to comply with it, offering an opportunity to assert privilege claims.
3. One or both presidents assert privilege (or the time expires)
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Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 9:25 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

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301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

15bRR002281

On Tue, May 3, 2022 at 9:06 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov> wrote:

Are you sure? Section 2(a) refers to the (old) 1270.46, which was written in general terms and which expressly referenced the special-access provision (1270.44) as being encompassed:

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(e) Copies of all notices provided to former Presidents under this section shall be provided at the same time to the incumbent President.

<Part effective until July 10, 2017.>

SOURCE: 53 FR 50404, Dec. 15, 1988; 70 FR 16717, April 1, 2005, unless otherwise noted.

Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:56 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

That process/provision (section 2(a) of EO 13489) applied to public access requests (now superseded by 44 USC 2208), and there is no practice of that kind for special access requests. Feel free to call me to discuss.

15bRR002283

Gary M. Stern

General Counsel
National Archives and Records Administration

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301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[REDACTED]

[REDACTED]

On Tue, May 3, 2022 at 8:36 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov> wrote:

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Marty Lederman

Deputy Assistant Attorney General

Office of Legal Counsel

Department of Justice

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, May 3, 2022 8:03 AM

To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C)usdoj.gov>

Cc: (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C)usdoj.gov>

15bRR002284

Subject: Re: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

When the request is from the incumbent under 2205(2)(B), we don't notify the incumbent of his own request.

Gary M. Stern
General Counsel
National Archives and Records Administration

On Tue, May 3, 2022, 4:50 AM Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov> wrote:

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Marty Lederman
Deputy Assistant Attorney General
Office of Legal Counsel
Department of Justice
(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, May 2, 2022 7:47 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>; (b) (6), (b) (7)(C) (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: [EXTERNAL] Fwd: Special Access Request from Incumbent Administration

Below is the 4/12 notification.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

15bRR002285

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>

Date: Tue, Apr 12, 2022 at 12:34 PM

Subject: Special Access Request from Incumbent Administration

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Cc: Laster, John <john.laster@nara.gov>

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

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Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

15bRR002286

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/04/2022 02:40:38 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: Re: Email to Evan Corcoran

Thanks Jay.

FYI, on the assumption that the FBI can begin their review on Monday, they still need to pass their clearances to us (which is not always a fast process, since I don't think we are connected to the interagency system).

The NARA POC's is (b) (6), (b) (7)(C), at (b) (6), (b) (7)(C)@nara.gov. They can also contact us through personnelsecurity@nara.gov.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 1:39 PM Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov> wrote:

Gary:

Below is the text of the email I sent to Evan Corcoran last Friday, 4/29.

Jay

Evan:

Before our call, I'd like to offer some thoughts for your consideration.

As I am sure you are aware, following multiple granted extension requests, there is a 5pm deadline today for any privilege assertions relating to documents in the fifteen boxes of materials that your client and his representatives turned over to NARA earlier this year. I realize you have just begun your representation in this matter, but I wanted to give you some information for

15bRR002288

your awareness as you decide any next steps.

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

I look forward to speaking later.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 05/04/2022 02:43:15 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: RE: [EXTERNAL] Re: Email to Evan Corcoran

Thanks. I'll let them know.

From: Gary Stern <garym.stern@nara.gov>
Sent: Wednesday, May 4, 2022 2:41 PM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: [EXTERNAL] Re: Email to Evan Corcoran

Thanks Jay.

FYI, on the assumption that the FBI can begin their review on Monday, they still need to pass their clearances to us (which is not always a fast process, since I don't think we are connected to the interagency system).

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Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
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(b) (6), (b) (7)(C) (cell)
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garym.stern@nara.gov

[Redacted]

[Redacted]

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As I am sure you are aware, following multiple granted extension requests, there is a 5pm deadline today for any privilege assertions relating to documents in the fifteen boxes of materials that your client and his representatives turned over to NARA earlier this year. I realize you have just begun your representation in this matter, but I wanted to give you some information for your awareness as you decide any next steps.

15bRR002290

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

I look forward to speaking later.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)
jay.bratt2@usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/05/2022 08:59:07 PM
To: Lederman, Martin (OLC) <(b) (6), (b) (7)(C) usdoj.gov>; Schroeder, Christopher H. (OLC) <(b) (6), (b) (7)(C) usdoj.gov>
Subject: Fwd: April 11, 2022 Special Access Request
Attachments: 2022-05-05 NARA Letter.pdf

Marty/Chris, see new letter from Evan Corcoran offering a new idea on how he and team can review the records (note that he cc'd (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and Jay Bratt).

Please let me know if you think our letter should be modified in any way to note or address this letter?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Thu, May 5, 2022 at 4:27 PM
Subject: April 11, 2022 Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>, (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C)@who.eop.gov>, jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) John Laster <john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

Evan

15bRR002292

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

2022-05-05 NARA Letter.pdf

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

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Writer's Direct Contact:

Evan Corcoran

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

May 5, 2022

Via Electronic Mail

Mr. Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: April 11, 2022, Special Access Request From Incumbent Administration

Dear Mr. Stern:

I write to offer a proposal to speed review by representatives of former President Donald J. Trump of the 15 boxes of Presidential documents subject to the April 11, 2022, special access request made by incumbent President Joseph R. Biden Jr. on behalf of the U.S. Department of Justice.

As I understand the circumstances, NARA has set ground rules for the review as follows:

- Although NARA has in the past scanned Presidential documents so that they can be reviewed remotely, these specific documents have not been digitized and must be reviewed in person in a sensitive compartmented information facility (SCIF) located at 700 Pennsylvania Avenue, NW, Washington, DC;
- In order to be granted access to review any classified documents, a representative of the former President must have an active security clearance at a level commensurate with those specific documents;
- The former President's current NARA representatives who possess this level of clearance may not participate in this review;
- While the documents are being reviewed, representatives of NARA and the U.S. Department of Justice will be present;
- Representatives of the former President will only be allowed limited note taking about any document marked as classified.

Mr. Gary M. Stern
May 5, 2022
Page Two

I have two proposals that would speed review. First, I propose that there be three representatives of the former President involved in the review. (b) (6), (b) (7)(C), my associate, and I would review all documents that are not marked classified. Another representative – yet-to-be identified – would review classified documents.

Second, I propose that we receive two versions of the NARA index to these documents. One version would be redacted to the satisfaction of officials at the U.S. Department of Justice. That version would be provided to (b) (6), (b) (7)(C) and me. We would be able to keep that redacted version of the index. The second version, unredacted, would be provided to the yet-to-be identified representative of the former President (who possesses an active security clearance), on a “read only” basis during his or her review of the documents.

I hope that these ideas are helpful to your consideration of the logistics involved. Our goal is to move expeditiously to complete review of these documents in a timely manner once we have a team of representatives who are granted access to the documents. We also understand and appreciate the need to accommodate the interests of other stakeholders involved.

Thank you for considering this request.

With best regards,



M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
The White House
via electronic mail

Mr. Jay Bratt
Chief, Counterintelligence and
Export Control Section
U.S. Department of Justice
via electronic mail

(b) (6), (b) (7)(C)
via electronic mail

From: Gary Stern <garym.stern@nara.gov>
Sent time: 08/09/2022 06:22:09 PM
To: Bratt, Jay (NSD) <jay.bratt2@usdoj.gov>
Subject: Letter from HPSCI Ranking Member
Attachments: 2022.08.09_HPSCI Ranking Member Adam Howard Letter to Acting Archivist_Records Production and Preservation.pdf 2022.04.11-DOJ to Maloney-NARA PRA - Final.pdf

Jay, please see attached letter from HPSCI Ranking Member Howard, asking for NARA records concerning "the substance of any communications between NARA, the FBI, and/or the DOJ, including whether any formal criminal referral was made by NARA related to what was ultimately seized by the FBI yesterday and the basis for such referral."

Should we respond to him similar to how we responded to Maloney, by referring them to you, and perhaps even reference and attach your April 11, 2022 letter to Maloney?

Feel free to give me a call to discuss further, on my cell at (b) (6), (b) (7)(C)

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



Michael R. Turner, Ohio
Ranking Member

Brad R. Wenstrup, Ohio
Chris Stewart, Utah
Rick Crawford, Arkansas
Elise M. Stefanik, New York
Markwayne Mullin, Oklahoma
Trent Kelly, Mississippi
Darin LaHood, Illinois
Brian Fitzpatrick, Pennsylvania
Mike Gallagher, Wisconsin

Kevin McCarthy, California
Republican Leader

UNCLASSIFIED
U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE MINORITY

HVC-304, The Capitol
Washington, DC 20515
202-225-4121

Adam Howard
Minority Staff Director

August 9, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Acting Archivist Wall:

Yesterday, agents with the Federal Bureau of Investigation (FBI) conducted a search of former President Trump’s Mar-a-Lago residence, purportedly based upon a referral from the National Archives and Records Administration (NARA) to investigate former President Donald Trump’s handling of classified White House records.¹ Former Archivist David Ferriero confirmed that NARA had been in communication with the Department of Justice (DOJ) over records that were previously transferred from President Trump because classified information was allegedly found within those boxes.²

I would assume that an escalation of this magnitude – for the Bureau to obtain a court ordered-search warrant and conduct an unannounced search, for the first time in our country’s history, to seize documents stored at a former President’s residence – would indicate that the Federal government perceived something in those documents posed a serious, ongoing threat to our national security. As such, the substance of any communications between NARA, the FBI, and/or the DOJ, including whether any formal criminal referral was made by NARA related to what was ultimately seized by the FBI yesterday and the basis for such referral, is of keen interest to the investigative and legislative activities of this Committee.³

Please produce all documents and communications responsive to these matters to the Committee no later than August 24, 2022.

In addition, it is therefore necessary that you preserve all relevant documents and communications that may refer or relate to this matter, including those on official governmental accounts and on personal, non-governmental accounts. Specifically, this preservation request should be construed as an instruction to preserve all documents, communications, and other information, including electronic information and metadata, that is or may be potentially

¹ Caroline Linton, *Trump says Mar-a-Lago was ‘raided’ by FBI*, CBS News (Aug. 9, 2022), <https://www.cbsnews.com/news/donald-trump-mar-a-lago-fbi-search-warrant-raid/>.

² Letter from David Ferriero, Archivist of the United States, to Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight & Reform (Feb. 18, 2022).

³ H. Rule X, clause 11(c)(2).

UNCLASSIFIED

responsive to a congressional inquiry, request, investigation, or subpoena that may be initiated or otherwise undertaken by a committee of Congress or any other investigative entity.

For purposes of this request, “preserve” means securing and maintaining the integrity of all relevant documents, communications, and other information, including electronic information and metadata, by taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, mutation, or negligent or reckless handling that could render the information incomplete or inaccessible. This includes preserving all compilations of documents that have already been gathered in response to requests, even if copies of individual documents may still exist elsewhere in the agency. I further request that you or your designee:

1. Exercise reasonable efforts to identify and notify all relevant individuals, including current and former employees, officials, detailees, contractors, subcontractors, and consultants who may have had access to potentially relevant information that they should preserve and return such information to NARA;
2. Exercise reasonable efforts to identify, recover, and preserve any potentially relevant electronic information that has been deleted or marked for deletion but is still recoverable;
3. Remind all relevant individuals, including current and former employees, officials, detailees, contractors, subcontractors, and consultants that any federal records sent or received using a nonofficial account must be forwarded to the agency for proper archiving, and forward all such material in your possession; and
4. If it is the routine practice of yours, or any relevant individuals, including current and former employees, officials, detailees, contractors, subcontractors, or consultants to destroy or otherwise alter potentially relevant information, either halt such practices as they relate to the potentially relevant information or arrange for the preservation of complete and accurate duplicates (including metadata) of such documents, communications, or other information.

Please advise in writing as to how you will ensure all records relevant to this matter will be preserved. Thank you for your attention to this request.

Sincerely,



Michael R. Turner
Ranking Member



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Carolyn Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Maloney,

Thank you for your letter dated April 7, 2022, regarding correspondence you received from the National Archives and Records Administration (NARA). We appreciate the opportunity to explain our position in this matter.

As NARA has explained previously in correspondence with you, as part of NARA's role in collecting and archiving the records of the Trump Administration, NARA received boxes of materials that included certain items "marked as classified national security information."¹ Based upon NARA's concerns about whether such materials had been properly handled, it referred this matter to the Department of Justice (Department). As the Attorney General said in February when asked about this matter: The Department "will do what we always do under these circumstances—look at the facts and the law and take it from there."²

While we have great respect for the oversight authority of the House Committee on Oversight and Reform (Committee), in light of the Department's law enforcement responsibilities, and consistent with NARA's response to you on March 28, 2022, the Department previously asked NARA not to share or otherwise disclose to others information relating to this matter in order to protect the integrity of our ongoing work. Based upon that request, NARA referred you to the Department. As you know, the Department's longstanding policy, across administrations of both parties, is "to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch, [and] the Department's goal in all cases is to satisfy legitimate legislative interests while protecting Executive Branch confidentiality interests. Examples of confidential

¹ Letter from David S. Ferriero to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022), available at <https://www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf>.

² Matt Zaposky, *Commenting on classified material found at Mar-a-Lago, Garland says Justice Dept. will 'look at the facts and the law,'* Washington Post (Feb. 22, 2022).

information include ... information the disclosure of which might compromise open criminal investigations or prosecutions or civil cases.”³

With respect to your request for a briefing on this matter, under well established Department policy, we are unable to provide your office with information related to this matter at this time.⁴ We appreciate that your letter to the Department acknowledged that the Committee “does not wish to interfere in any manner with any potential or ongoing [Department] investigation.”

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Peter S. Hyun
Acting Assistant Attorney General

³ Letter from Assistant Attorney General Robert Raben to Chairman John Linder, Subcommittee on Rules and Organization of the House, Committee on Rules at 2-3 (Jan. 27, 2000), *available at* <https://www.justice.gov/file/1080046/download>.

⁴ *Id.* at 3 (“Congressional inquiries during the pendency of a matter pose an inherent threat to the integrity of the Department’s law enforcement and litigation functions. Such inquiries inescapably create the risk that the public and the courts will perceive undue political and Congressional influence over law enforcement and litigation decisions. Such inquiries often seek records and other information that our responsibilities for these matters preclude us from disclosing.”).

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Sent time: 08/10/2022 02:49:20 PM
To: garym.stern@nara.gov; John Hamilton <john.hamilton@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Subject: COR Minority Oversight letter to NARA
Attachments: 2022-08-10.COR Minority to Wall-NARA re Briefing Request.pdf

Please include COR majority staff on any communications or responses to the oversight letter sent today by COR minority.

Thank you –

(b) (6), (b) (7)(C)

Chairwoman Carolyn Maloney | Committee on Oversight and Reform – Majority

C: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Sent: Wednesday, August 10, 2022 2:46 PM

Subject: Minority: OGR to Wall re NARA Briefing Request and FBI Raid

Hello—

We received a letter from OGR to Ms. Debra Steidel Wall, Acting Archivist of the United States, requesting a briefing and documents regarding the FBI raid of former President Donald Trump. The letter is attached.

Thank you.

Best regards,

(b) (6), (b) (7)(C)

| Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

(b) (6), (b) (7)(C)

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 10, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
700 Pennsylvania Avenue NW
Washington, D.C. 20408

Dear Ms. Wall:

On August 8, 2022, several dozen Federal Bureau of Investigation (FBI) agents descended upon Mar-a-Lago—the private residence of former President Donald J. Trump. According to media reports, the FBI executed a search warrant to retrieve “documents sought by the National Archives [and Records Administration]” (NARA).¹ Law enforcement raiding a former president’s residence is unprecedented. Committee Republicans are concerned that NARA would utilize the FBI to gather documents that the president, by the very nature of his constitutional role, could declassify himself, if this was indeed the case as media has reported. The Biden Administration is continuing to weaponize the FBI against political rivals. To better understand the circumstances and NARA’s role, if any, in the FBI raid, Oversight Republicans request an immediate briefing on this matter. Additionally, we request that you ensure preservation of all documents and communications referring or relating to the warrant executed by the FBI on August 8, 2022 at Mar-a-Lago.

The FBI and NARA’s actions—apparently to enforce the Presidential Records Act (PRA)—are so contrary to the customary treatment of former administrations that it begs scrutiny into whether a political motivation underlay the raid. According to President Trump, the unannounced raid on his home occurred the morning of August 8, when President Trump was not home, and included breaking into his safe.² Additionally, President Trump stated he has been “working and cooperating” with the relevant agencies, which is corroborated by previous reporting of NARA’s January 2022 retrieval of 15 boxes of documents from Mar-a-Lago, which were mostly “mementos, gifts, letters from world leaders and other correspondence.”³ As noted

¹ Eric Beech, *Eric Trump: FBI raid conducted over documents sought by National Archives*, REUTERS (Aug. 8, 2022); see also Alex Leary, Sadie Gurman and Aruna Viswanatha, *FBI Searches Trump’s Florida Home Mar-a-Lago in Document Investigation*, WALL ST. J. (Aug. 9, 2022).

² Statement by Donald J. Trump, 45th President of the United States, Aug. 8, 2022, available at https://saveamerica.nucleusemail.com/amplify/v/XeHZxcJVhW?hids=BP4DIIjL6k&utm_medium=email_hf&utm_source=ncl__&utm_campaign=20220808__sa&utm_content=__4736&_nlid=P3ZmaFXGvZ&_nhids=BP4DIIjL6k.

³ Jacqueline Alemany, Josh Dawsey, Tom Hamburger and Ashley Parker, *National Archives had to retrieve Trump White House records from Mar-a-Lago*, WASH. POST (Feb. 7, 2022).

in February, “[a]ll recent administrations have had some Presidential Records Act violations...[and] White House documents from multiple administrations have been retrieved by the Archives after a president has left office.”⁴ For example, Hillary and President Bill Clinton “had to return thousands of dollars worth of gifts...[and] the Clintons left the White House with \$28,000 in furnishings” from the White House.⁵

NARA’s singling out of President Trump’s handling of official records stands starkly in contrast to the way NARA has treated far clearer violations committed by politicians and officials who are not Republicans. As has been widely reported for years, Secretary of State Hillary Clinton “did not have a government email address during her four-year tenure at the State Department[,]”⁶ aides “took no actions to have her personal emails preserved...as required by the Federal Records Act[,]”⁷ and emails included classified information,⁸ but faced no repercussions—let alone an FBI raid—which demands an explanation for the disparate treatment received by President Trump, her once-rival. Since Hillary Clinton has never been President of the United States, she had a much more limited ability to declassify documents than President Trump, who was chief executive. Secretary Clinton also deleted over 31,000 emails after receiving a subpoena for them by the House Select Committee on Benghazi, which was met with the FBI’s apathy.⁹ Committee Republicans are content to leave Secretary Clinton to her retirement, yet the FBI and NARA’s behavior towards President Trump deserves an explanation as to why the latter deserved a raid by the FBI.

Committee Republicans demand answers about the FBI and NARA’s investigation of President Trump and any coordination between the two agencies. The seeming weaponization of the federal government against President Biden’s political rivals cannot go unchecked, and if NARA is working to further these efforts, it will be only the latest agency to lose its credibility in the eyes of the American people under the Biden Administration. To assist Committee Republicans in conducting oversight over NARA’s participation in this shameful episode in American history, please make arrangements to provide a Member-level briefing as soon as possible, but no later than August 17, 2022.

Additionally, please provide the following documents, covering the time period from January 20, 2021 to the present, no later than August 24, 2022:

1. All documents and communications between any employee or agent of NARA and the FBI or Department of Justice, including the Offices of the United States Attorneys, regarding former President Trump;

⁴ *Id.*

⁵ *Id.*

⁶ Michael S. Schmidt, *Hillary Clinton Used Personal Email Account at State Dept., Possibly Breaking Rules*, N.Y. TIMES (Mar. 2, 2015).

⁷ *Id.*

⁸ *FBI recommends no charges against Hillary Clinton over emails*, BBC NEWS (Jul. 6, 2016).

⁹ *Id.*

Acting Archivist Wall

August 10, 2022

Page 3 of 5

2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump;
3. All documents produced or contributed to by any employee or agent of NARA and submitted to a U.S. federal district court, magistrate, or judge; and
4. All documents and communications sufficient to show the process by which NARA collects documents after a presidential transition.

In addition, we request that you preserve all responsive documents, communications, and other data (“records”) that may be required for our oversight and investigative duties. Accordingly, we request that you:

1. Preserve all e-mail, electronic documents, and data (“electronic records”) **from January 20, 2021** related to former President Trump’s papers. For the purposes of this request, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible;
2. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors and consultants who may have access to such electronic records that they are to be preserved; and
3. If it is the routine practice of any agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

To schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform has specific jurisdiction over NARA under House Rule X. Additionally, the Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your attention to this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations

Acting Archivist Wall

August 10, 2022

Page 4 of 5



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



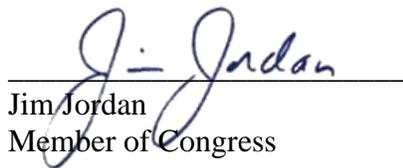
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Yvette Herrell
Ranking Member
Subcommittee on Environment



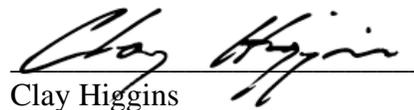
Jim Jordan
Member of Congress



Virginia A. Foxx
Member of Congress



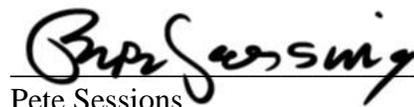
Bob Gibbs
Member of Congress



Clay Higgins
Member of Congress



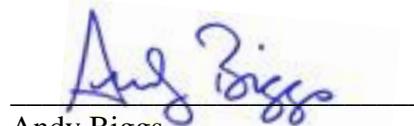
Ralph Norman
Member of Congress



Pete Sessions
Member of Congress



Fred Keller
Member of Congress

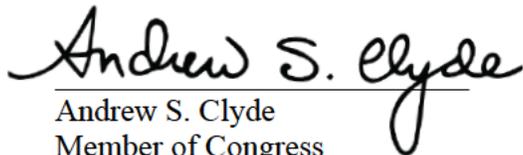


Andy Biggs
Member of Congress

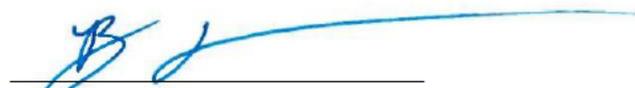
Acting Archivist Wall

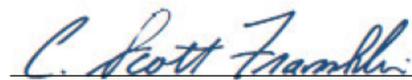
August 10, 2022

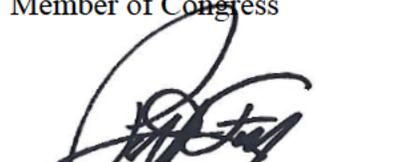
Page 5 of 5


Andrew S. Clyde
Member of Congress


Jake LaTurner
Member of Congress


Byron Donalds
Member of Congress


C. Scott Franklin
Member of Congress


Pat Fallon
Member of Congress


Mike Flood
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

From: Gary Stern <garym.stern@nara.gov>
Sent time: 08/10/2022 03:30:46 PM
To: Bratt, Jay (NSD) <jay.bratt2@usdoj.gov>
Subject: Re: Letter from HPSCI Ranking Member
Attachments: 2022-08-10.Ranking Member Comer Letter to Wall re FBI-DOJ Search.pdf

Jay, see also the letter we got today from HOGA Ranking Member Comer. Please call me to discuss, at (b) (6), (b) (7)(C)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Aug 9, 2022 at 6:22 PM Gary Stern <garym.stern@nara.gov> wrote:

Jay, please see attached letter from HPSCI Ranking Member Howard, asking for NARA records concerning "the substance of any communications between NARA, the FBI, and/or the DOJ, including whether any formal criminal referral was made by NARA related to what was ultimately seized by the FBI yesterday and the basis for such referral."

Should we respond to him similar to how we responded to Maloney, by referring them to you, and perhaps even reference and attach your April 11, 2022 letter to Maloney?

Feel free to give me a call to discuss further, on my cell at (b) (6), (b) (7)(C)

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 10, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
700 Pennsylvania Avenue NW
Washington, D.C. 20408

Dear Ms. Wall:

On August 8, 2022, several dozen Federal Bureau of Investigation (FBI) agents descended upon Mar-a-Lago—the private residence of former President Donald J. Trump. According to media reports, the FBI executed a search warrant to retrieve “documents sought by the National Archives [and Records Administration]” (NARA).¹ Law enforcement raiding a former president’s residence is unprecedented. Committee Republicans are concerned that NARA would utilize the FBI to gather documents that the president, by the very nature of his constitutional role, could declassify himself, if this was indeed the case as media has reported. The Biden Administration is continuing to weaponize the FBI against political rivals. To better understand the circumstances and NARA’s role, if any, in the FBI raid, Oversight Republicans request an immediate briefing on this matter. Additionally, we request that you ensure preservation of all documents and communications referring or relating to the warrant executed by the FBI on August 8, 2022 at Mar-a-Lago.

The FBI and NARA’s actions—apparently to enforce the Presidential Records Act (PRA)—are so contrary to the customary treatment of former administrations that it begs scrutiny into whether a political motivation underlay the raid. According to President Trump, the unannounced raid on his home occurred the morning of August 8, when President Trump was not home, and included breaking into his safe.² Additionally, President Trump stated he has been “working and cooperating” with the relevant agencies, which is corroborated by previous reporting of NARA’s January 2022 retrieval of 15 boxes of documents from Mar-a-Lago, which were mostly “mementos, gifts, letters from world leaders and other correspondence.”³ As noted

¹ Eric Beech, *Eric Trump: FBI raid conducted over documents sought by National Archives*, REUTERS (Aug. 8, 2022); see also Alex Leary, Sadie Gurman and Aruna Viswanatha, *FBI Searches Trump’s Florida Home Mar-a-Lago in Document Investigation*, WALL ST. J. (Aug. 9, 2022).

² Statement by Donald J. Trump, 45th President of the United States, Aug. 8, 2022, available at https://saveamerica.nucleusemail.com/amplify/v/XeHZxcJVhW?hids=BP4DIIjL6k&utm_medium=email_hf&utm_source=ncl__&utm_campaign=20220808__sa&utm_content=__4736&_nlid=P3ZmaFXGvZ&_nhids=BP4DIIjL6k.

³ Jacqueline Alemany, Josh Dawsey, Tom Hamburger and Ashley Parker, *National Archives had to retrieve Trump White House records from Mar-a-Lago*, WASH. POST (Feb. 7, 2022).

in February, “[a]ll recent administrations have had some Presidential Records Act violations...[and] White House documents from multiple administrations have been retrieved by the Archives after a president has left office.”⁴ For example, Hillary and President Bill Clinton “had to return thousands of dollars worth of gifts...[and] the Clintons left the White House with \$28,000 in furnishings” from the White House.⁵

NARA’s singling out of President Trump’s handling of official records stands starkly in contrast to the way NARA has treated far clearer violations committed by politicians and officials who are not Republicans. As has been widely reported for years, Secretary of State Hillary Clinton “did not have a government email address during her four-year tenure at the State Department[,]”⁶ aides “took no actions to have her personal emails preserved...as required by the Federal Records Act[,]”⁷ and emails included classified information,⁸ but faced no repercussions—let alone an FBI raid—which demands an explanation for the disparate treatment received by President Trump, her once-rival. Since Hillary Clinton has never been President of the United States, she had a much more limited ability to declassify documents than President Trump, who was chief executive. Secretary Clinton also deleted over 31,000 emails after receiving a subpoena for them by the House Select Committee on Benghazi, which was met with the FBI’s apathy.⁹ Committee Republicans are content to leave Secretary Clinton to her retirement, yet the FBI and NARA’s behavior towards President Trump deserves an explanation as to why the latter deserved a raid by the FBI.

Committee Republicans demand answers about the FBI and NARA’s investigation of President Trump and any coordination between the two agencies. The seeming weaponization of the federal government against President Biden’s political rivals cannot go unchecked, and if NARA is working to further these efforts, it will be only the latest agency to lose its credibility in the eyes of the American people under the Biden Administration. To assist Committee Republicans in conducting oversight over NARA’s participation in this shameful episode in American history, please make arrangements to provide a Member-level briefing as soon as possible, but no later than August 17, 2022.

Additionally, please provide the following documents, covering the time period from January 20, 2021 to the present, no later than August 24, 2022:

1. All documents and communications between any employee or agent of NARA and the FBI or Department of Justice, including the Offices of the United States Attorneys, regarding former President Trump;

⁴ *Id.*

⁵ *Id.*

⁶ Michael S. Schmidt, *Hillary Clinton Used Personal Email Account at State Dept., Possibly Breaking Rules*, N.Y. TIMES (Mar. 2, 2015).

⁷ *Id.*

⁸ *FBI recommends no charges against Hillary Clinton over emails*, BBC NEWS (Jul. 6, 2016).

⁹ *Id.*

Acting Archivist Wall

August 10, 2022

Page 3 of 5

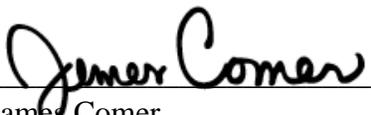
2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump;
3. All documents produced or contributed to by any employee or agent of NARA and submitted to a U.S. federal district court, magistrate, or judge; and
4. All documents and communications sufficient to show the process by which NARA collects documents after a presidential transition.

In addition, we request that you preserve all responsive documents, communications, and other data (“records”) that may be required for our oversight and investigative duties. Accordingly, we request that you:

1. Preserve all e-mail, electronic documents, and data (“electronic records”) **from January 20, 2021** related to former President Trump’s papers. For the purposes of this request, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible;
2. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors and consultants who may have access to such electronic records that they are to be preserved; and
3. If it is the routine practice of any agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

To schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform has specific jurisdiction over NARA under House Rule X. Additionally, the Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your attention to this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations

Acting Archivist Wall

August 10, 2022

Page 4 of 5



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



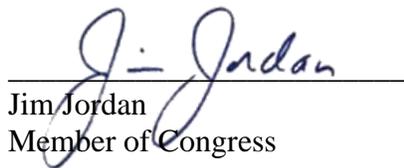
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Yvette Herrell
Ranking Member
Subcommittee on Environment



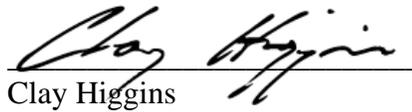
Jim Jordan
Member of Congress



Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress



Clay Higgins
Member of Congress



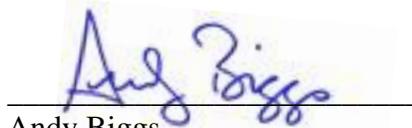
Ralph Norman
Member of Congress



Pete Sessions
Member of Congress



Fred Keller
Member of Congress

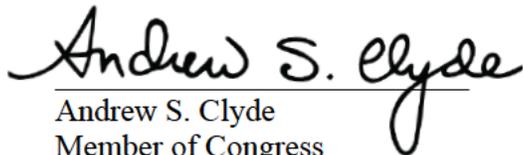


Andy Biggs
Member of Congress

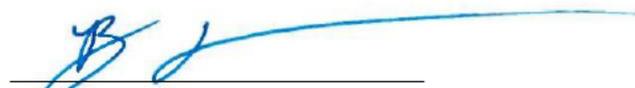
Acting Archivist Wall

August 10, 2022

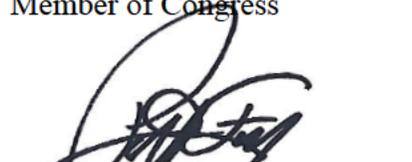
Page 5 of 5


Andrew S. Clyde
Member of Congress


Jake LaTurner
Member of Congress


Byron Donalds
Member of Congress


C. Scott Franklin
Member of Congress


Pat Fallon
Member of Congress


Mike Flood
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

From: Gary Stern <garym.stern@nara.gov>
Sent time: 08/17/2022 10:24:10 AM
To: Bratt, Jay (NSD) <jay.bratt2@usdoj.gov>
Subject: PRA Records re January 6

Jay, the January 6th Committee has asked us when we will be able to review the Presidential records that you have obtained from Mar-a-Lago to determine if anything is responsive to their requests.

Please let me know what, if anything, I can tell them. Feel free to give me a call to discuss, at (b) (6), (b) (7)(C)

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 08/20/2022 04:52:39 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>
Subject: Fwd: Letter
Attachments: WallResponse to08-09-2022TurnerLetter_Signed.pdf

FYI, here's the letter that we sent.



Archivist of the
United States

August 16, 2022

The Honorable Michael R. Turner
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515
By Email

Dear Ranking Member Turner:

I write in response to your letter of August 9, 2022, in regard to the Department of Justice (DOJ) investigation involving Presidential records recovered from former President Trump's Mar-a-Lago property in Florida.

As a general matter, the Presidential Records Act (PRA) mandates that all Presidential records must be properly preserved by each Administration so that a complete set of Presidential records is transferred to the National Archives and Records Administration (NARA) at the end of the Administration. As former Archivist of the United States David S. Ferriero stated in a press statement on February 7, 2022, "NARA pursues the return of records whenever we learn that records have been improperly removed or have not been appropriately transferred to official accounts." The same statement also explained that, in mid-January 2022, "NARA arranged for the transport from the Trump Mar-a-Lago property in Florida to the National Archives of 15 boxes that contained Presidential records, following discussions with President Trump's representatives in 2021."

When NARA identified items marked as classified national security information within the 15 boxes, NARA referred this issue to the DOJ. Since that time, the DOJ has been exclusively responsible for all aspects of this investigation, and NARA has not been involved in the DOJ investigation or any searches that it has conducted. Accordingly, NARA is unable to provide a briefing or any documents in response to your letter, and we refer you to the DOJ. Please note, however, that NARA is preserving all records related to this matter.

Debra Steidel Wall · T: 202.357.5900 · F: 202.357.5901 · debra.wall@nara.gov

National Archives and Records Administration · 8601 Adelphi Road · College Park, MD 20740 · www.archives.gov

Sincerely,

Debra Steidel Wall

Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable Adam Schiff, Chairman
Permanent Select Committee on Intelligence

From: Gary Stern <garym.stern@nara.gov>
Sent time: 08/30/2022 12:38:50 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>
Subject: Fwd: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: 2022-08-30 Follow-up letter to NARA re FBI search.pdf

fyi

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Date: Tue, Aug 30, 2022 at 11:01 AM
Subject: Letter from Ranking Member James Comer and Oversight Committee Republicans
To: debra.wall@nara.gov <debra.wall@nara.gov>
Cc: congress.affairs@nara.gov <congress.affairs@nara.gov>, john.hamilton@nara.gov <john.hamilton@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Ms. Wall,

Please see the attached follow-up letter from Ranking Member James Comer. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Staff Assistant

Committee on Oversight and Reform- Minority

Ranking Member James Comer

15bRR002317

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6). (b) (7)(C)
Fax: 202-3575959

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 30, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Ms. Wall:

This is in response to your letter dated August 16, 2022, and to inquire as to whether you would like to amend the representations made in that letter regarding the events leading up to, and the National Archives' (NARA) involvement in, the FBI search of Mar-a-Lago. Specifically, in that letter you stated:

Since that time, [the point at which NARA referred the matter of classified documents to the Department of Justice] DOJ has been exclusively responsible for all aspects of this investigation, and NARA has not been involved in the DOJ investigation or any searches that it has conducted. **Accordingly, NARA is unable to provide a briefing or any documents in response to your letter,** and we refer you to the DOJ.¹

The accuracy of this statement has been called into question in recent days.

On August 22, 2022, *Just the News* published a letter demonstrating robust negotiations between NARA and former President Trump's attorney, Evan Corcoran.² Also on August 22, 2022, the *New York Times* reported: "...the material in the boxes prompted archives officials to refer the matter to the Justice Department, which within months had convened a grand jury investigation."³ The article explains that NARA "spent much of 2021 trying to get back material from Mr. Trump," as well as noting NARA's role in preserving presidential records.⁴

¹ Letter from Ms. Debra Steidel Wall, Acting Archivist of the U.S. to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Aug. 16, 2022) (emphasis added).

² Ben Whedon, *Full Text of National Archives Letter to Trump on Classified Documents*, JUST THE NEWS (Aug. 22, 2022). Also now available at: <https://www.archives.gov/files/foia/wall-letter-to-evan-corcoran-re-trump-boxes-05.10.2022.pdf>.

³ Maggie Haberman, Jodi Kantor, Adam Goldman, & Ben Protess, *Trump Had More Than 300 Classified Documents at Mar-a-Lago*, N.Y. TIMES (Aug. 22, 2022).

⁴ *Id.*

While your letter acknowledges the referral to the DOJ, it ignores the first two requests made in the August 10, 2022, letter to you.⁵ Specifically, that letter requested:

1. All documents and communications between any employee or agent of NARA and the FBI or Department of Justice, including the Offices of the United States Attorneys, regarding former President Trump;
2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump.⁶

The time period covered by this request—as stated in the letter—is January 20, 2021, to the present.⁷ The letter to Mr. Corcoran, along with any other documents demonstrating negotiations with former President Trump’s team as reported on by the *New York Times*, would certainly be covered by the above requests. Moreover, the letter to Mr. Corcoran specifically mentions communications between NARA and the DOJ (e.g., “NARA informed the Department of Justice...”; “The Assistant Attorney General has advised me...”; “...which the Assistant Attorney General informs me...”). It is puzzling that you and your staff would blatantly deny the existence of such responsive documents or communications to Congress. It is implausible that there would be no internal communications by NARA employees regarding the subject matter of the letter to Mr. Corcoran, as your letter to us would indicate.

Transparency is particularly important in the post-pandemic era when Americans are lacking trust in our nation’s institutions. Congress, and particularly the Oversight Committee, has a duty to provide transparency and accountability for the American people. We request that you revisit your prior communications to Oversight Republicans and amend your prior statements as necessary. Likewise, we expect your office to provide a briefing and documents responsive to the August 10, 2022, letter signed by 20 Republican Members of the Oversight Committee.

On August 24, 2022, the *New York Times* again reported on communications between NARA general counsel, Gary Stern, and former President Trump’s White House attorneys.⁸ While these documents are undoubtedly covered by request number two, above, since NARA employees were courtesy copied and likely received earlier draft copies, to be abundantly clear, please provide the following documents and information related to former President Trump’s records no later than September 13, 2022, for the time period January 1, 2021 and present:

⁵ Letter from Hon. James Comer & nineteen other Republican Members of the H. Oversight & Reform Comm. to Ms. Debra Steidel Wall, Acting Archivist of the U.S., (Aug. 10, 2022) available at <https://republicans-oversight.house.gov/wp-content/uploads/2022/08/2022-08-10-NARA-MAL567537660.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ Alan Feuer & Maggie Haberman, *Email Shows Early Tension Between Trump & National Archives*, N.Y. TIMES (Aug. 24, 2022) (article notes that John Laster, a NARA official, was copied on the correspondence to former President Trump’s attorneys).

Acting Archivist Wall

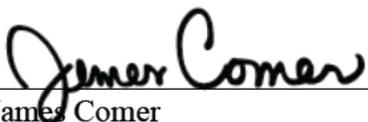
August 30, 2022

Page 3 of 5

1. All documents and communications between employees or agents of NARA and President Trump, his representatives, and/or counsel.
2. All documents and communications between employees or agents of NARA and any White House official(s).

To make arrangements to schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. Documents may be provided electronically by the same means you have been producing to Committee Democrats over the course of this Congress. The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



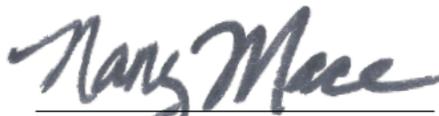
Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



Michael Clouse
Ranking Member
Subcommittee on Economic and
Consumer Policy



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Yvette Herrell
Ranking Member
Subcommittee on Environment



Jim Jordan
Member of Congress



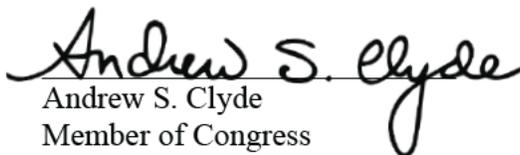
Bob Gibbs
Member of Congress



Ralph Norman
Member of Congress



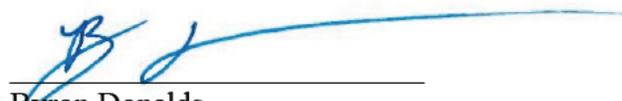
Fred Keller
Member of Congress



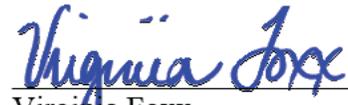
Andrew S. Clyde
Member of Congress



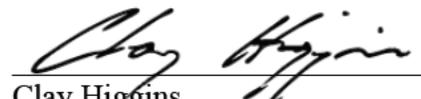
Jake LaTurner
Member of Congress



Byron Donalds
Member of Congress



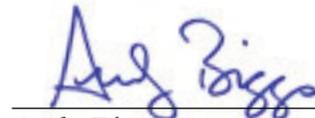
Virginia Foxx
Member of Congress



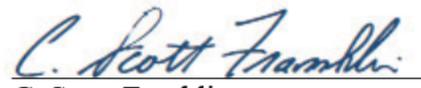
Clay Higgins
Member of Congress



Pete Sessions
Member of Congress



Andy Biggs
Member of Congress



C. Scott Franklin
Member of Congress



Pat Fallon
Member of Congress



Mike Flood
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Acting Archivist Wall

August 30, 2022

Page 5 of 5

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

From: Gary Stern <garym.stern@nara.gov>
Sent time: 08/31/2022 04:19:29 PM
To: Newman, David A. (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Fwd: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: 2022-08-30 Follow-up letter to NARA re FBI search.pdf

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Tue, Aug 30, 2022 at 2:41 PM
Subject: Fwd: Letter from Ranking Member James Comer and Oversight Committee Republicans
To: Colborn, Paul <(b) (6), (b) (7)(C)@usdoj.gov>

Paul, I would greatly appreciate your guidance on how best to respond to this follow-up letter from ranking member Comer. His original 8/10/22 letter, and our 8/16/22 response (as well as similar letters from (8/9) and to (8/16) HPSCI ranking member Turner) can be found at this link (near the bottom): <https://www.archives.gov/foia/pr-trump-admin>

Please let me know when you might be free.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

15bRR002324

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Date: Tue, Aug 30, 2022 at 11:01 AM

Subject: Letter from Ranking Member James Comer and Oversight Committee Republicans

To: debra.wall@nara.gov <debra.wall@nara.gov>

Cc: congress.affairs@nara.gov <congress.affairs@nara.gov>, john.hamilton@nara.gov <john.hamilton@nara.gov>, (b) (6), (b) (7)(C)

<(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C)

<(b) (6), (b) (7)(C)>

Ms. Wall,

Please see the attached follow-up letter from Ranking Member James Comer. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6), (b) (7)(C)

[Redacted]

Staff Assistant

Committee on Oversight and Reform- Minority

Ranking Member James Comer

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6), (b) (7)(C)
Fax: 202-3575959

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 30, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Ms. Wall:

This is in response to your letter dated August 16, 2022, and to inquire as to whether you would like to amend the representations made in that letter regarding the events leading up to, and the National Archives' (NARA) involvement in, the FBI search of Mar-a-Lago. Specifically, in that letter you stated:

Since that time, [the point at which NARA referred the matter of classified documents to the Department of Justice] DOJ has been exclusively responsible for all aspects of this investigation, and NARA has not been involved in the DOJ investigation or any searches that it has conducted. **Accordingly, NARA is unable to provide a briefing or any documents in response to your letter,** and we refer you to the DOJ.¹

The accuracy of this statement has been called into question in recent days.

On August 22, 2022, *Just the News* published a letter demonstrating robust negotiations between NARA and former President Trump's attorney, Evan Corcoran.² Also on August 22, 2022, the *New York Times* reported: "...the material in the boxes prompted archives officials to refer the matter to the Justice Department, which within months had convened a grand jury investigation."³ The article explains that NARA "spent much of 2021 trying to get back material from Mr. Trump," as well as noting NARA's role in preserving presidential records.⁴

¹ Letter from Ms. Debra Steidel Wall, Acting Archivist of the U.S. to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Aug. 16, 2022) (emphasis added).

² Ben Whedon, *Full Text of National Archives Letter to Trump on Classified Documents*, JUST THE NEWS (Aug. 22, 2022). Also now available at: <https://www.archives.gov/files/foia/wall-letter-to-evan-corcoran-re-trump-boxes-05.10.2022.pdf>.

³ Maggie Haberman, Jodi Kantor, Adam Goldman, & Ben Protess, *Trump Had More Than 300 Classified Documents at Mar-a-Lago*, N.Y. TIMES (Aug. 22, 2022).

⁴ *Id.*

While your letter acknowledges the referral to the DOJ, it ignores the first two requests made in the August 10, 2022, letter to you.⁵ Specifically, that letter requested:

1. All documents and communications between any employee or agent of NARA and the FBI or Department of Justice, including the Offices of the United States Attorneys, regarding former President Trump;
2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump.⁶

The time period covered by this request—as stated in the letter—is January 20, 2021, to the present.⁷ The letter to Mr. Corcoran, along with any other documents demonstrating negotiations with former President Trump’s team as reported on by the *New York Times*, would certainly be covered by the above requests. Moreover, the letter to Mr. Corcoran specifically mentions communications between NARA and the DOJ (e.g., “NARA informed the Department of Justice...”; “The Assistant Attorney General has advised me...”; “...which the Assistant Attorney General informs me...”). It is puzzling that you and your staff would blatantly deny the existence of such responsive documents or communications to Congress. It is implausible that there would be no internal communications by NARA employees regarding the subject matter of the letter to Mr. Corcoran, as your letter to us would indicate.

Transparency is particularly important in the post-pandemic era when Americans are lacking trust in our nation’s institutions. Congress, and particularly the Oversight Committee, has a duty to provide transparency and accountability for the American people. We request that you revisit your prior communications to Oversight Republicans and amend your prior statements as necessary. Likewise, we expect your office to provide a briefing and documents responsive to the August 10, 2022, letter signed by 20 Republican Members of the Oversight Committee.

On August 24, 2022, the *New York Times* again reported on communications between NARA general counsel, Gary Stern, and former President Trump’s White House attorneys.⁸ While these documents are undoubtedly covered by request number two, above, since NARA employees were courtesy copied and likely received earlier draft copies, to be abundantly clear, please provide the following documents and information related to former President Trump’s records no later than September 13, 2022, for the time period January 1, 2021 and present:

⁵ Letter from Hon. James Comer & nineteen other Republican Members of the H. Oversight & Reform Comm. to Ms. Debra Steidel Wall, Acting Archivist of the U.S., (Aug. 10, 2022) available at <https://republicans-oversight.house.gov/wp-content/uploads/2022/08/2022-08-10-NARA-MAL567537660.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ Alan Feuer & Maggie Haberman, *Email Shows Early Tension Between Trump & National Archives*, N.Y. TIMES (Aug. 24, 2022) (article notes that John Laster, a NARA official, was copied on the correspondence to former President Trump’s attorneys).

Acting Archivist Wall

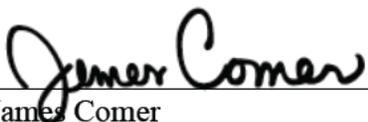
August 30, 2022

Page 3 of 5

1. All documents and communications between employees or agents of NARA and President Trump, his representatives, and/or counsel.
2. All documents and communications between employees or agents of NARA and any White House official(s).

To make arrangements to schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. Documents may be provided electronically by the same means you have been producing to Committee Democrats over the course of this Congress. The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



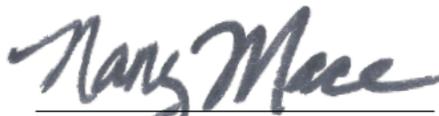
Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



Michael Clouse
Ranking Member
Subcommittee on Economic and
Consumer Policy



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Yvette Herrell
Ranking Member
Subcommittee on Environment



Jim Jordan
Member of Congress



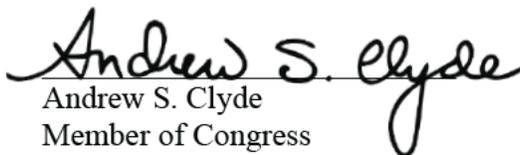
Bob Gibbs
Member of Congress



Ralph Norman
Member of Congress



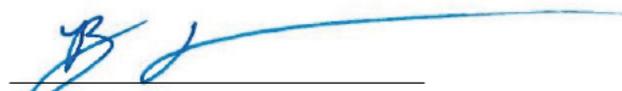
Fred Keller
Member of Congress



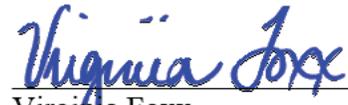
Andrew S. Clyde
Member of Congress



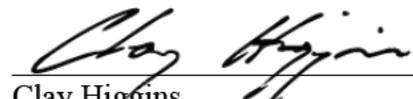
Jake LaTurner
Member of Congress



Byron Donalds
Member of Congress



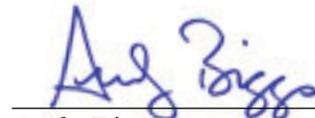
Virginia Foxx
Member of Congress



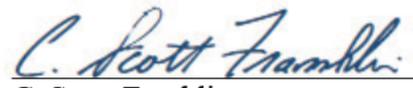
Clay Higgins
Member of Congress



Pete Sessions
Member of Congress



Andy Biggs
Member of Congress



C. Scott Franklin
Member of Congress



Pat Fallon
Member of Congress



Mike Flood
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Acting Archivist Wall
August 30, 2022
Page 5 of 5

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

(b) (6), (b) (7)(C)

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 13, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Ms. Steidel Wall:

I am writing regarding former President Trump’s removal of presidential records and classified material from the White House after his term as president ended, and his dangerous decision to retain these sensitive government records in non-secure locations at his Mar-a-Lago Club. Well-established laws protect classified information and require the return of presidential records to the U.S. Government.¹ In light of revelations that Mr. Trump’s representatives misled investigators about his continued possession of government property and that material found at his club included dozens of “empty folders” for classified material, I am deeply concerned that sensitive presidential records may remain out of the control and custody of the U.S. Government.²

Prior to the August 8, 2022, court-authorized search of former President Trump’s Mar-a-Lago Club, Mr. Trump had failed to comply with multiple requests from the National Archives and Records Administration (NARA) and a grand jury subpoena seeking the return of all presidential records and classified documents he retained after leaving office. Two months before the August 8 search, Mr. Trump’s attorney certified that all documents bearing classified markings had been returned and that no “copy, written notation, or reproduction of any kind was retained.”³ Yet the August 8 search revealed that he continued to improperly possess more than 11,000 government records, including more than 100 documents with classified markings.⁴

As the Committee with primary jurisdiction over the Presidential Records Act (PRA) and

¹ See, e.g., 44 U.S.C § 2202; 18 U.S.C. § 793.

² *F.B.I. Found 48 Empty Folders that Had Contained Classified Documents at Trump’s Home*, New York Times (Sept. 2, 2022) (online at www.nytimes.com/2022/09/02/us/politics/trump-fbi-folders-classified.html); Detailed Property Inventory Pursuant to Court’s Preliminary Order (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294).

³ United States’ Response to Motion for Judicial Oversight and Additional Relief (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294).

⁴ *Id.*

as the principal oversight committee of the House of Representatives, the Oversight Committee has been investigating Mr. Trump's mishandling of presidential records for seven months. This inquiry, which is separate from the Department of Justice's (DOJ) ongoing criminal investigation into Mr. Trump's actions, seeks to understand "the full extent of this conduct" in order to "determine what additional steps, including potential legislative reforms, may be needed to ensure the preservation of presidential records for the American people."⁵

In light of the serious risk that Mr. Trump may still be retaining sensitive government records at Mar-a-Lago or his other properties, I urge NARA to seek a personal certification from Donald Trump that he has surrendered all presidential records that he illegally removed from the White House after leaving office. I also ask that the agency conduct an urgent review of presidential records recovered from the Trump White House to assess whether presidential records remain unaccounted for and potentially in the possession of the former president.

Former President Trump's Retention of Thousands of Government Records After Leaving Office, in Violation of the Presidential Records Act

Congress enacted the PRA following the Watergate scandal in which President Richard Nixon improperly sought to retain and destroy White House records, including Oval Office tapes implicating him in obstruction of justice.⁶ The PRA states that the "United States shall reserve and retain complete ownership, possession, and control of Presidential records," and provides:

Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President.⁷

In a clear violation of the PRA, upon leaving office, Mr. Trump removed dozens of boxes of presidential records from the White House and retained them at his Mar-a-Lago Club. This club serves as his personal residence and also operates as a resort and wedding venue for five hundred members and their guests.⁸ As former Attorney General William Barr explained, it is "unprecedented for a president to take all this classified information and put them in a country club."⁹

⁵ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 24, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-24.CBM%20to%20Ferriero-NARA%20re%20Document%20Request.pdf>).

⁶ E.g., *Presidential Records Act Scandals, from Nixon's Tapes to Trump's "Burn Bags,"* Washington Post (Aug. 9, 2022) (online at www.washingtonpost.com/history/2022/02/07/presidential-records-act-trump-nixon/).

⁷ 44 U.S.C. §§ 2201, 2203(g)(1).

⁸ *A Quick History of Mar-a-Lago, Trump's Lavish Club and Residence*, New York Times (Aug. 9, 2022) (online at www.nytimes.com/2022/08/09/us/mar-a-lago-florida.html).

⁹ *Barr Says No "Legitimate Reason" for Trump to Have Classified Documents*, Washington Post (Sept. 2, 2022) (online at www.washingtonpost.com/politics/2022/09/02/trump-fbi-search-classified-documents-barr/).

On May 6, 2021, NARA requested that Mr. Trump return presidential records in his possession.¹⁰ Mr. Trump delayed returning these records for months, while he hosted numerous large events at Mar-a-Lago with inadequate vetting. Reports indicate that a Ukrainian woman posed as a Rothschild heiress to gain access to Mar-a-Lago in May 2021, and mingled with other U.S. officials, sparking a Federal Bureau of Investigation (FBI) investigation and heightening fears over potential access to the highly sensitive government documents at the club.¹¹

In January 2022, eight months after NARA's initial request, Mr. Trump finally returned 15 boxes of presidential records to NARA. On February 9, 2022, the Committee wrote to NARA requesting information regarding his removal of these documents and their classification level. NARA responded that it had "identified items marked as classified national security information within the boxes."¹² These boxes included 184 documents with classified information, including Special Access Program materials that are among the most sensitive and highly protected information in the U.S. Government.¹³ Despite the obvious security concerns raised by the removal of these government records and their storage at his club, Mr. Trump released a statement that his transfer of records a year after the end of his administration was "viewed as routine and 'no big deal.'"¹⁴

Federal authorities later determined that Mr. Trump had still not returned all records to the U.S. Government and continued to possess classified information. In May 2022, a grand jury subpoena was issued requiring Mr. Trump to turn over all documents in his possession bearing classification markings. After receiving the subpoena, Mr. Trump returned an additional 38 documents with classification markings on June 3, 2022. At that time, Mr. Trump's personal attorney provided a sworn certification that all documents with classified markings had been turned over. Mr. Trump's counsel asserted to FBI agents and a DOJ attorney that all White House records he had transferred to Florida were kept in a single location—a storage room at the Mar-a-Lago Club—and nowhere else. However, when DOJ officials visited the storage room, Mr. Trump's lawyers "explicitly prohibited government personnel from opening or looking

¹⁰ *Inside the 20-Month Fight to Get Trump to Return Presidential Material*, New York Times (Aug. 26, 2020) (online at www.nytimes.com/2022/08/26/us/politics/trump-documents-search-timeline.html).

¹¹ *U.S. Investigates Fake Heiress Who Infiltrated Trump's Mar-A-Lago Resort*, The Guardian (Aug. 27, 2022) (online at www.theguardian.com/us-news/2022/aug/27/fake-heiress-infiltrates-mar-a-lago-trump).

¹² Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 9, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-09.CBM%20to%20Ferriero-NARA%20re%20Trump%20Mar-a-Lago%20FINAL.pdf>); Letter from David S. Ferriero, Archivist of the United States, National Archives and Records Administration to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 19, 2022) (online at www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf).

¹³ *Documents Recovered at Mar-A-Lago Were Among Government's Most Classified, Letter Shows*, Politico (Aug. 23, 2022) (online at www.politico.com/news/2022/08/23/national-archives-letter-trump-security-00053250).

¹⁴ *Trump: Return of Documents to Archives Viewed as Routine and "No Big Deal,"* The Hill (Feb. 10, 2020) (online at <https://thehill.com/homenews/administration/593648-trump-says-return-of-documents-to-archives-routine-and-no-big-deal/>).

inside any of the boxes that remained in the storage room, giving no opportunity for the government to confirm that no documents with classification markings remained.”¹⁵

On August 8, 2022, after a federal court found probable cause that further classified documents would be found on the premises, the FBI executed a search warrant at Mar-a-Lago. The FBI recovered more than 11,000 government records.¹⁶ Among them were 13 boxes containing more than 100 documents bearing classified markings, including documents with the U.S. Government’s highest classification markings—related to human source intelligence—as well as additional classified documents in former President Trump’s office desk drawer.¹⁷ The classified documents reportedly included information about a foreign government’s nuclear capabilities and top-secret U.S. operations.¹⁸

In the inventory of items seized, DOJ identified 48 empty folders with classified banners, as well as 42 empty folders labeled as “Return to Staff Secretary or Military Aide.” Although it is not clear from the inventory list why these folders were empty, the apparent separation of classified material and presidential records from their designated folders raises questions as to how the materials were stored and whether sensitive material may have been lost or obtained by third parties.¹⁹ Mr. Trump’s former National Security Advisor John Bolton has expressed concern that Mr. Trump might have transferred classified documents to other clubs, such as Bedminster National Golf Club, where he recently hosted a professional golf tournament sponsored and attended by numerous foreign officials.²⁰

Risk that Former President Trump Has Retained Sensitive Documents

On at least three separate occasions, Mr. Trump had the opportunity to turn over all presidential records and classified documents, as demanded by federal authorities, but failed to do so:

¹⁵ United States’ Response to Motion for Judicial Oversight and Additional Relief (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-Cv-81294); *Trump Team May Have Hidden, Moved Classified Papers, Justice Dept. Says*, Washington Post (Aug. 31, 2022) (online at www.washingtonpost.com/national-security/2022/08/31/trump-documents-removed-storage-room/).

¹⁶ Detailed Property Inventory Pursuant to Court’s Preliminary Order (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294); *F.B.I. Found 48 Empty Folders that Had Contained Classified Documents at Trump’s Home*, New York Times (Sept. 2, 2022) (online at www.nytimes.com/2022/09/02/us/politics/trump-fbi-folders-classified.html).

¹⁷ *Id.*

¹⁸ *Material on Foreign Nation’s Nuclear Capabilities Seized at Trump’s Mar-a-Lago*, Washington Post (Sept. 6, 2022) (online at www.washingtonpost.com/national-security/2022/09/06/trump-nuclear-documents/).

¹⁹ Detailed Property Inventory Pursuant to Court’s Preliminary Order (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294); *F.B.I. Found 48 Empty Folders That Had Contained Classified Documents at Trump’s Home*, New York Times (Sept. 2, 2022) (online at www.nytimes.com/2022/09/02/us/politics/trump-fbi-folders-classified.html).

²⁰ *Ex-Trump Aides Say He Probably Has More Sensitive Documents at Other Properties*, Huffington Post (Aug. 31, 2022) (online at www.huffpost.com/entry/trump-more-sensitive-documents_n_630fe63ae4b063d5e6215c83).

- Upon the conclusion of his term in office, Mr. Trump failed to return all government property, including classified material;
- After receiving a May 2021 request from NARA, Mr. Trump failed to return all government property, including classified material; and
- After receipt of a grand jury subpoena in May 2022, Mr. Trump failed to return all government property, including classified material.

The Committee is concerned that, given this pattern of conduct, Mr. Trump may continue to retain presidential records at non-secure locations, including classified material that could endanger our nation's security and other important records documenting Mr. Trump's activities at the White House. NARA's staff recently informed the Committee that the agency is not certain whether all presidential records are in its custody.²¹

As a result, the Committee requests that NARA conduct an urgent review of presidential records from the Trump Administration to identify any presidential records or categories of presidential records, whether textual or electronic, that NARA has reason to believe may still be outside of the agency's custody and control. Please also assess any other limitations on the completeness, accuracy, and accessibility of presidential records provided to NARA by the Trump Administration.

Please provide the Committee an initial assessment of NARA's findings from this review by September 27, 2022.

In addition, I urge NARA to seek from former President Trump a written certification that he has surrendered all presidential records or classified materials, has not made any copies or reproductions of such materials, and has not transferred any records or government documents to any party other than NARA or DOJ since his term ended.²² Although the President is not required under current law to provide such a certification, I believe that the exceptional circumstances in this case warrant that Mr. Trump do the same so Congress and the American people can fully understand the impact of his actions on our nation's security, take mitigating action, and consider legislative reforms.

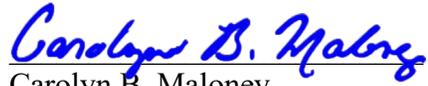
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051. Thank you for your prompt attention to this matter.

²¹ Call with Staff, Committee on Oversight and Reform, and Staff, National Archives and Records Administration (Aug. 24, 2022).

²² When federal employees separate from government service, they are routinely required to certify that they have surrendered all U.S. Government property, including classified material. *See, e.g.*, United States Information Agency, *Separation Statement* (online at www.gsa.gov/cdnstatic/OF%20109.pdf?forceDownload=1). Secretary of State Hillary Clinton provided a certification, under penalty of perjury, that all emails that were federal records had been returned to the Department of State. Supplement To Defendant's August 7, 2015, Status Report, (Aug. 10, 2015), *Judicial Watch, Inc. v. U.S. Dep't of State*, D.D.C (No. 13-cv-1363).

Ms. Debra Steidel Wall
Page 6

Sincerely,


Carolyn B. Maloney
Chairwoman

cc: The Honorable James Comer, Ranking Member

From: Gary Stern <garym.stern@nara.gov>

Sent time: 09/14/2022 09:00:32 AM

To: Simms, John <(b) (6), (b) (7)(C)@nara.gov>; Newman, David A. (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Austin Evers <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: Connecting NARA OIG with ODAG

By this email, I am connecting John Simms, the Counsel to the NARA Inspector General (who is Brett Baker), with David Newman and Austin Evers, who are with the Office of the Deputy Attorney General.

David and Austin are the POCs with respect to all communications concerning the Mar-a-Lago issue.

John is preparing a response to the [September 1 letter that the IG received from Ranking Member Comer](#), which is similar to the letter Comer sent to Acting Archivist Wall. John is also responsible for the FOIA requests that the OIG concerning this matter.

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 10/14/2022 12:34:02 PM
To: Newman, David A. (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Austin Evers <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Fwd: Letter from Ranking Member Comer and Ranking Member Jordan
Attachments: 2022-10-14 - NARA - records response.pdf

fyi, see new letter from Comer and Jordan, which states that:

The fact that NARA transmitted to DOJ a referral that launched a criminal investigation of the former president the same day the Democrat Chairwoman of the Committee inquired whether the agency had been in contact with DOJ raises serious concerns about whether NARA made the referral after pressure from Committee Democrats.

Of course, those two events happening on the same day was purely coincidental, and there was in fact no connection whatsoever. Moreover, NARA's initial contact with DOJ on this matter occurred several weeks earlier, on January 21.

We intend to draft a response that says something to this effect, which I will share with you and also say, once again, that NARA has been advised by DOJ not to provide documents in light of its ongoing investigation and that they should consult with DOJ on this matter.

Please let me know if you have any questions or would like to discuss.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Date: Fri, Oct 14, 2022 at 7:56 AM
Subject: Letter from Ranking Member Comer and Ranking Member Jordan
To: debra.wall@nara.gov <debra.wall@nara.gov>
Cc: congress.affairs@nara.gov <congress.affairs@nara.gov>, john.hamilton@nara.gov <john.hamilton@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Ms. Wall,

Please see the attached letter from Ranking Member James Comer and Ranking Member Jim Jordan. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6), (b) (7)(C)

15bRR002340

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Committee on Oversight and Reform | Ranking Member James Comer

2105 Rayburn | Washington, DC 20515 (b) (6), (b) (7)(C)

Congress of the United States

Washington, DC 20515

October 14, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Ms. Steidel Wall:

Committee on Oversight and Reform Republicans are continuing to investigate the National Archives and Records Administration's (NARA) role in the FBI raid of former President Donald J. Trump's home at Mar-a-Lago. Committee Republicans have learned that NARA's actions initiated the Department of Justice's (DOJ) criminal investigation against the former president the same day Committee Democrats inquired about whether a referral to DOJ had been made. The possibility of NARA being pressured by Committee Democrats to pursue the former president is troubling, and Committee Republicans are concerned about NARA's continued refusal to provide information about its role in the raid on the former president's home.¹

According to correspondence between Committee Democrats and NARA, on February 9, 2022, Chairwoman Carolyn Maloney wrote to NARA raising concerns about 15 boxes of presidential records stored at the former president's home at Mar-a-Lago and asking whether the Archivist had been in contact with the Attorney General on this matter.² The same day—February 9, 2022—a “referral” from NARA was “sent to the United States Department of Justice” that initiated an investigation into the former president.³ The fact that NARA transmitted to DOJ a referral that launched a criminal investigation of the former president the same day the Democrat Chairwoman of the Committee inquired whether the agency had been in contact with DOJ raises serious concerns about whether NARA made the referral after pressure from Committee Democrats.

In an October 7, 2022, letter responding to a previous Committee Republicans' October 4, 2022, letter requesting documents about NARA's interactions with Congressional Democrats, you wrote that NARA “take[s] [its] role as a non-political agency very seriously”⁴ but at the same time you failed to provide the documents and other information requested. In order to

¹ E.g., Letter from Ms. Debra Steidel Wall, Acting Archivist, NARA to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Sep. 22, 2022); Letter from Ms. Debra Steidel Wall, Acting Archivist, NARA to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Oct. 7, 2022).

² Letter from Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform to Hon. David Ferriero, Archivist, NARA (Feb. 9, 2022).

³ Affidavit in support of an application under Rule 41 for a warrant to search and seize, *In the matter of the search of: Locations within the premises to be searched in Attachment A* (“Mar-a-Lago search warrant affidavit”) (S.D. Fla.) (submitted Aug. 5, 2022; entered on docket Aug. 26, 2022).

⁴ Letter from Ms. Debra Steidel Wall, Acting Archivist, NARA to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Oct. 7, 2022).

Ms. Debra Steidel Wall

October 14, 2022

Page 2 of 2

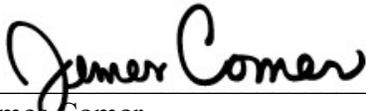
understand whether and to what extent Congressional Democrats influenced and coordinated with NARA, please provide the documents previously requested in the October 4, 2022, Committee letter. Additionally, please provide the following documents, covering the time period from January 1, 2020, to present, no later than October 28, 2022:

1. All documents and communications between or among employees or agents of NARA and DOJ referring or relating to the Trump Administration's control, transfer, storage, or other handling of documents subject to the Presidential Records Act.

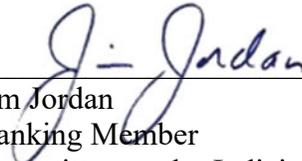
To make arrangements to ask any related follow-up questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074.

The Committee on Oversight and Reform has specific jurisdiction over NARA under House Rule X. Additionally, the Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your attention to this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight & Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight & Reform

The Honorable Jerrold L. Nadler, Chairman
Committee on the Judiciary

From: Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Sent time: 10/14/2022 05:13:01 PM
To: Gary Stern <garym.stern@nara.gov>; Newman, David (NSD) <(b) (6), (b) (7)(C)@usdoj.gov>; Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: RE: [EXTERNAL] Fwd: Letter from Ranking Member Comer and Ranking Member Jordan

Thank you, Gary. (b) (5), (b) (7)(A).

Austin

From: Gary Stern <garym.stern@nara.gov>
Sent: Friday, October 14, 2022 12:34 PM
To: Newman, David (NSD) <(b) (6), (b) (7)(C)@usdoj.gov>; Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: [EXTERNAL] Fwd: Letter from Ranking Member Comer and Ranking Member Jordan

fyi, see new letter from Comer and Jordan, which states that:

The fact that NARA transmitted to DOJ a referral that launched a criminal investigation of the former president the same day the Democrat Chairwoman of the Committee inquired whether the agency had been in contact with DOJ raises serious concerns about whether NARA made the referral after pressure from Committee Democrats.

Of course, those two events happening on the same day was purely coincidental, and there was in fact no connection whatsoever. Moreover, NARA's initial contact with DOJ on this matter occurred several weeks earlier, on January 21.

We intend to draft a response that says something to this effect, which I will share with you and also say, once again, that NARA has been advised by DOJ not to provide documents in light of its ongoing investigation and that they should consult with DOJ on this matter.

Please let me know if you have any questions or would like to discuss.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[Redacted]

[Redacted]

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Date: Fri, Oct 14, 2022 at 7:56 AM
Subject: Letter from Ranking Member Comer and Ranking Member Jordan
To: debra.wall@nara.gov <debra.wall@nara.gov>
Cc: congress.affairs@nara.gov <congress.affairs@nara.gov>, john.hamilton@nara.gov <john.hamilton@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

15bRR002344

Ms. Wall,

Please see the attached letter from Ranking Member James Comer and Ranking Member Jim Jordan. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Committee on Oversight and Reform | Ranking Member James Comer
2105 Rayburn | Washington, DC 20515 | (b) (6), (b) (7)(C)

From: Gary Stern <garym.stern@nara.gov>
Sent time: 11/01/2022 12:10:47 PM
To: Rush Atkinson (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Austin Evers <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Two Issues to Discuss

Rush/Austin, please let me know if you can talk this afternoon, after 2:00 re: 1) status of NARA inventory; and 2) upcoming notification time periods re AUSA Windom grand jury subpoena.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Sent time: 11/01/2022 01:50:28 PM
To: Gary Stern <garym.stern@nara.gov>; Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: RE: [EXTERNAL] Two Issues to Discuss

Gary – We’re free 4:30-5 or 5:30-6. Does either window work? We can also look at tomorrow.

Austin

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, November 1, 2022 12:11 PM
To: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: [EXTERNAL] Two Issues to Discuss

Rush/Austin, please let me know if you can talk this afternoon, after 2:00 re: 1) status of NARA inventory; and 2) upcoming notification time periods re AUSA Windom grand jury subpoena.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

|_____|

|_____||_____||_____||_____||_____||

From: Gary Stern <garym.stern@nara.gov>
Sent time: 11/01/2022 02:06:55 PM
To: Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Cc: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Re: [EXTERNAL] Two Issues to Discuss

Let's do 4:30. Do you want to call me, or set up a call-in?

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Nov 1, 2022 at 1:50 PM Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov> wrote:

Gary – We're free 4:30-5 or 5:30-6. Does either window work? We can also look at tomorrow.

Austin

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, November 1, 2022 12:11 PM
To: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: [EXTERNAL] Two Issues to Discuss

Rush/Austin, please let me know if you can talk this afternoon, after 2:00 re: 1) status of NARA inventory; and 2) upcoming notification time periods re AUSA Windom grand jury subpoena.

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

8601 Adelphi Road

15bRR002348

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

|

| | | | |

From: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Sent time: 11/01/2022 02:09:34 PM
To: Gary Stern <garym.stern@nara.gov>; Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: RE: [EXTERNAL] Two Issues to Discuss

We'll call you—sorry, let's do 4:45 PM (I now have a quick call at 4:30 PM).

L. Rush Atkinson

Associate Deputy Attorney General
Office of the Deputy Attorney General
(b) (6), (b) (7)(C) (cell); (b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, November 1, 2022 2:07 PM
To: Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Cc: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Re: [EXTERNAL] Two Issues to Discuss

Let's do 4:30. Do you want to call me, or set up a call-in?

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Nov 1, 2022 at 1:50 PM Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov> wrote:

Gary – We're free 4:30-5 or 5:30-6. Does either window work? We can also look at tomorrow.

Austin

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, November 1, 2022 12:11 PM
To: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: [EXTERNAL] Two Issues to Discuss

Rush/Austin, please let me know if you can talk this afternoon, after 2:00 re: 1) status of NARA inventory; and 2) upcoming notification time periods re AUSA Windom grand jury subpoena.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

15bRR002350

(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 11/30/2022 09:42:04 AM
To: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Cc: Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Re: [EXTERNAL] Two Issues to Discuss

Thought I'd check back in on two of the issues we've talked about in the past: status of releasing a version of the NARA inventory and status of pending Hill requests for responsive records?

I'm also curious if these issues have now been taken over by the Special Counsel, or are you still coordinating?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Nov 1, 2022 at 2:09 PM Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov> wrote:

We'll call you—sorry, let's do 4:45 PM (I now have a quick call at 4:30 PM).

L. Rush Atkinson

Associate Deputy Attorney General

Office of the Deputy Attorney General

(b) (6), (b) (7)(C) (cell); (b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, November 1, 2022 2:07 PM
To: Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Cc: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Re: [EXTERNAL] Two Issues to Discuss

15bRR002352

Let's do 4:30. Do you want to call me, or set up a call-in?

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov



On Tue, Nov 1, 2022 at 1:50 PM Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov> wrote:

Gary – We're free 4:30-5 or 5:30-6. Does either window work? We can also look at tomorrow.

Austin

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, November 1, 2022 12:11 PM

To: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>

Subject: [EXTERNAL] Two Issues to Discuss

Rush/Austin, please let me know if you can talk this afternoon, after 2:00 re: 1) status of NARA inventory; and 2) upcoming notification time periods re AUSA Windom grand jury subpoena.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

|

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From: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Sent time: 11/30/2022 09:46:40 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: Re: [EXTERNAL] Two Issues to Discuss
Attachments: image001.jpg

Hey Gary,

Hope you're well. Let us discuss the issues with the Special Counsel and then revert. For now, we'll remain the interlocutors.

Best,
Rush

On Nov 30, 2022, at 3:43 PM, Gary Stern <garym.stern@nara.gov> wrote:

Thought I'd check back in on two of the issues we've talked about in the past: status of releasing a version of the NARA inventory and status of pending Hill requests for responsive records?

I'm also curious if these issues have now been taken over by the Special Counsel, or are you still coordinating?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Nov 1, 2022 at 2:09 PM Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov> wrote:

We'll call you—sorry, let's do 4:45 PM (I now have a quick call at 4:30 PM).

L. Rush Atkinson

15bRR002355

Associate Deputy Attorney General

Office of the Deputy Attorney General

(b) (6), (b) (7)(C) (cell); (b) (6), (b) (7)(C) (office)

From: Gary Stern <garym.stern@nara.gov>

Sent: Tuesday, November 1, 2022 2:07 PM

To: Evers, Austin (ODAG) (b) (6), (b) (7)(C) <[@usdoj.gov](mailto:(b) (6), (b) (7)(C)@usdoj.gov)>

Cc: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C) <[@usdoj.gov](mailto:(b) (6), (b) (7)(C)@usdoj.gov)>>

Subject: Re: [EXTERNAL] Two Issues to Discuss

Let's do 4:30. Do you want to call me, or set up a call-in?

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov



On Tue, Nov 1, 2022 at 1:50 PM Evers, Austin (ODAG) <(b) (6), (b) (7)(C) <[@usdoj.gov](mailto:(b) (6), (b) (7)(C)@usdoj.gov)>> wrote:

Gary – We're free 4:30-5 or 5:30-6. Does either window work? We can also look at tomorrow.

Austin

15bRR002356

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, November 1, 2022 12:11 PM
To: Atkinson, Lawrence (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>; Evers, Austin (ODAG) <(b) (6), (b) (7)(C)@usdoj.gov>
Subject: [EXTERNAL] Two Issues to Discuss

Rush/Austin, please let me know if you can talk this afternoon, after 2:00 re: 1) status of NARA inventory; and 2) upcoming notification time periods re AUSA Windom grand jury subpoena.

Thanks,

Gary

Gary M. Stern

General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov

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From: Gary Stern <garym.stern@nara.gov>
Sent time: 12/04/2022 07:37:11 AM
To: Bratt, Jay (NSD) <jay.bratt2@usdoj.gov>
Subject: Fwd: April 11, 2022 Special Access Request

Jay, here's the email I sent Evan in early May re read-only access to the inventory, which he was seeking back then in the context of reviewing the 15 boxes during the notification period prior to our providing them to you, which was based on the guidance I received from you. Note that our May 10 letter only addresses their right to review the boxes themselves. Ultimately, he never followed up back then. The question now is whether there is any reason not to provide such access in response to (b) (6), (b) (7)(C) request?

Please give me a call once you've had a chance to review.

Thanks,
Gary

----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Mon, May 2, 2022, 5:51 PM
Subject: Re: April 11, 2022 Special Access Request
To: Evan Corcoran <(b) (6), (b) (7)(C)>
Cc: John Laster <john.laster@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C)
<(b) (6), (b) (7)(C)> Hannah Bergman <Hannah.Bergman@nara.gov>

Evan, I am responding to your May 1, 2022, letter requesting that NARA provide you with an inventory of the 15 boxes that NARA received from President Trump's Mar-a-Lago residence. Please note that NARA has shared the inventory with the Department of Justice, but has not shared it with the White House.

The Department of Justice has advised NARA that we may provide you with read-only access to the inventory. Accordingly, we can make arrangements for you to review the inventory at one of our buildings in the Washington, DC area. If you are coming from Baltimore, we can meet at our College Park facility; alternatively, we can meet at our Main Archives Building at 700 Pennsylvania Avenue, NW, in Washington, DC.

Please feel free to call me, at (b) (6), (b) (7)(C) if you would like to discuss the logistics of this review.

Sincerely,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Sun, May 1, 2022 at 3:50 PM Evan Corcoran <(b) (6), (b) (7)(C)> wrote:

15bRR002359

Mr. Stern:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 12/04/2022 09:58:09 AM
To: Gary Stern <garym.stern@nara.gov>
Subject: RE: [EXTERNAL] Fwd: April 11, 2022 Special Access Request

Gary:

Could you please forward me the text you received from (b) (6), (b) (7)(C) My cell, as I think you know, is (b) (6), (b) (7)(C) Thanks.

Jay

From: Gary Stern <garym.stern@nara.gov>
Sent: Sunday, December 4, 2022 7:37 AM
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Subject: [EXTERNAL] Fwd: April 11, 2022 Special Access Request

Jay, here's the email I sent Evan in early May re read-only access to the inventory, which he was seeking back then in the context of reviewing the 15 boxes during the notification period prior to our providing them to you, which was based on the guidance I received from you. Note that our May 10 letter only addresses their right to review the boxes themselves. Ultimately, he never followed up back then. The question now is whether there is any reason not to provide such access in response to (b) (6), (b) (7)(C) request?

Please give me a call once you've had a chance to review.

Thanks,
Gary

----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Mon, May 2, 2022, 5:51 PM
Subject: Re: April 11, 2022 Special Access Request
To: Evan Corcoran <(b) (6), (b) (7)(C)>
Cc: John Laster <john.laster@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> Hannah Bergman <Hannah.Bergman@nara.gov>

Evan, I am responding to your May 1, 2022, letter requesting that NARA provide you with an inventory of the 15 boxes that NARA received from President Trump's Mar-a-Lago residence. Please note that NARA has shared the inventory with the Department of Justice, but has not shared it with the White House.

The Department of Justice has advised NARA that we may provide you with read-only access to the inventory. Accordingly, we can make arrangements for you to review the inventory at one of our buildings in the Washington, DC area. If you are coming from Baltimore, we can meet at our College Park facility; alternatively, we can meet at our Main Archives Building at 700 Pennsylvania Avenue, NW, in Washington, DC.

Please feel free to call me, at (b) (6), (b) (7)(C), if you would like to discuss the logistics of this review.

Sincerely,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

On Sun, May 1, 2022 at 3:50 PM Evan Corcoran <(b) (6), (b) (7)(C)> wrote:

Mr. Stern:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran
Partner

[REDACTED]

400 East Pratt Street
Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent time: 12/04/2022 01:49:36 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: Hulser, Raymond (USADC) (b) (6), (b) (7)(C)@usdoj.gov>; Edelstein, Julie (NSD) (b) (6), (b) (7)(C)@usdoj.gov>
Subject: Inventory

Gary:

Thank you for speaking with us about the former president's request to inspect the inventory that NARA prepared of the fifteen boxes. Given the current status of the ongoing criminal investigation and the recent transition of the investigation to the Special Counsel's Office, in order to avoid any potential interference with that investigation, the Special Counsel requests that you not make the inventory available to counsel for the former president at this time.

Thank you.

Jay

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/06/2022 11:16:59 AM
To: Bosanko, William <william.bosanko@nara.gov>
Cc: Laster, John <john.laster@nara.gov>
Subject: Fwd: DOJ/FBI Special Access Request for Access to Trump Boxes
Attachments: Unclass_LHM_CDIIU-0134-22_signed.pdf

Jay, the attached letter came over on Monday, which wasn't quite what I was expecting (i.e., Bratt had said it would be addressed to me; and it reads as if they want us to make copies of everything in the boxes). So I called Bratt for clarification, and he explained that they still first want to look at the original boxes, and then will probably only want copies of the classified documents -- and we agreed that it doesn't really matter who the LHM is addressed to. He also still needs to run this through WHCO, who must make the actual special access request to us.

But once we get it from WHCO, we will need to be ready for the Trump reps to review within 7 days, which means we will need Mengel and his team to be on call to provide the coverage at A1.

Let me know if you have any questions.

Thanks,
Gary

cc: John L

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: **Bratt, Jay (NSD)** <Jay.Bratt2@usdoj.gov>
Date: Mon, Apr 4, 2022 at 11:24 AM
Subject: Request for Access to Boxes
To: Gary Stern <garym.stern@nara.gov>

Gary:

Attached is the LHM that the FBI has prepared requesting access to the 15 boxes and requesting a 7-day turnaround. Do you also want us to send this to (b) (6), (b) (7)(C) at WHC or will you do so? Thanks.

Jay

15bRR002364

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov



U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to LHM: CDIIU-0134-22

April 4, 2022

To: Jay Bratt
Chief
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

From: (b) (6), (b) (7)(C)
Federal Bureau of Investigation

Subj: (U//FOUO) Request for access to the contents of fifteen boxes of presidential records received by the National Archives and Records Administration in February 2022.

(U//FOUO) Assistance is requested from the National Archives and Records Administration (NARA) to review records in its possession related to a referral sent to the Department of Justice (DOJ) in February 2022. Among other information, NARA related these boxes contained unclassified and classified documents and arrived in their possession on or around January 18, 2022.

(U//FOUO) In order to facilitate the review of the records currently in NARA's possession, the FBI seeks DOJ assistance to coordinate this request with NARA. Section 2205(20)(b) of Title 44 of the United States Code permits an incumbent President to seek access to presidential records otherwise restricted from public access "if such records contain information that is needed for the conduct of current business of the incumbents President's office." Consistent with past practice, the FBI requests DOJ coordination with White House Counsel on this matter.

(U//FOUO) FBI personnel accessing the requested records will have the proper clearances to facilitate the review of the same. Further, to allow the FBI to maintain the records, the FBI requests NARA retain the originals and provide copies of all records within seven (7) days from the date of the incumbent President's request.

(U//FOUO) The FBI appreciates NARA's assistance in this matter. The FBI Counterintelligence Division points of contact for this matter are (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C).

Unclass_LHM_CDIU-0134-22_signed.pdf

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/11/2022 01:19:36 PM
To: David Ferriero <david.ferriero@nara.gov>; Wall, Debra <debra.wall@nara.gov>; Bosanko, William <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hamilton, John <john.hamilton@nara.gov>; Laster, John <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Maria Stanwich <maria.stanwich@nara.gov>; Jeannette Wise <jeannette.wise@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Valceanu <john.valceanu@nara.gov>
Subject: Fwd: DOJ Letter to Chairwoman Maloney
Attachments: 2022.04.11-OUT-Maloney-NARA PRA - Final.pdf

See DOJ letter in response to Maloney's letter to the AG, and reiterating that NARA should refer all queries about this issue to DOJ.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Date: Mon, Apr 11, 2022 at 12:20 PM
Subject: DOJ Letter to Chairwoman Maloney
To: Gary Stern <garym.stern@nara.gov>

Gary:

Please see the attached letter that was sent to the Hill today from our Office of Legislative Affairs. Based on our prior discussions, you responded to the most recent Congressional request by providing no comment and referring them to DOJ. Consistent with that approach and the attached letter, please continue to handle any future requests about this matter in the same way and simply refer them to DOJ. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

15bRR002368

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Carolyn Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Maloney,

Thank you for your letter dated April 7, 2022, regarding correspondence you received from the National Archives and Records Administration (NARA). We appreciate the opportunity to explain our position in this matter.

As NARA has explained previously in correspondence with you, as part of NARA's role in collecting and archiving the records of the Trump Administration, NARA received boxes of materials that included certain items "marked as classified national security information."¹ Based upon NARA's concerns about whether such materials had been properly handled, it referred this matter to the Department of Justice (Department). As the Attorney General said in February when asked about this matter: The Department "will do what we always do under these circumstances—look at the facts and the law and take it from there."²

While we have great respect for the oversight authority of the House Committee on Oversight and Reform (Committee), in light of the Department's law enforcement responsibilities, and consistent with NARA's response to you on March 28, 2022, the Department previously asked NARA not to share or otherwise disclose to others information relating to this matter in order to protect the integrity of our ongoing work. Based upon that request, NARA referred you to the Department. As you know, the Department's longstanding policy, across administrations of both parties, is "to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch, [and] the Department's goal in all cases is to satisfy legitimate legislative interests while protecting Executive Branch confidentiality interests. Examples of confidential

¹ Letter from David S. Ferriero to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022), available at <https://www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf>.

² Matt Zapotosky, *Commenting on classified material found at Mar-a-Lago, Garland says Justice Dept. will 'look at the facts and the law,'* Washington Post (Feb. 22, 2022).

information include ... information the disclosure of which might compromise open criminal investigations or prosecutions or civil cases.”³

With respect to your request for a briefing on this matter, under well established Department policy, we are unable to provide your office with information related to this matter at this time.⁴ We appreciate that your letter to the Department acknowledged that the Committee “does not wish to interfere in any manner with any potential or ongoing [Department] investigation.”

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Peter S. Hyun
Acting Assistant Attorney General

³ Letter from Assistant Attorney General Robert Raben to Chairman John Linder, Subcommittee on Rules and Organization of the House, Committee on Rules at 2-3 (Jan. 27, 2000), *available at* <https://www.justice.gov/file/1080046/download>.

⁴ *Id.* at 3 (“Congressional inquiries during the pendency of a matter pose an inherent threat to the integrity of the Department’s law enforcement and litigation functions. Such inquiries inescapably create the risk that the public and the courts will perceive undue political and Congressional influence over law enforcement and litigation decisions. Such inquiries often seek records and other information that our responsibilities for these matters preclude us from disclosing.”).

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/11/2022 01:20:05 PM
To: Laster, John <john.laster@nara.gov>
Subject: Fwd: Request for Access to Materials at NARA

Please call when you can to discuss notification.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>
Date: Mon, Apr 11, 2022 at 12:51 PM
Subject: RE: Request for Access to Materials at NARA
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Cc: Gary Stern <garym.stern@nara.gov>

This request is affirmed. Thanks!

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent: Friday, April 8, 2022 12:33 PM
To: (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>
Subject: Request for Access to Materials at NARA

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

15bRR002372

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/11/2022 01:58:34 PM
To: Bosanko, William <william.bosanko@nara.gov>
Cc: Laster, John <john.laster@nara.gov>
Subject: Fwd: Request for Access to Materials at NARA

Jay, the WHCO has now approved this request, in which DOJ has asked for 7 day notification, which we will provide to the Trump reps shortly. I have reached out to Bill F ((b) (6), (b) (7)(C)) about the need for the NDC to provide the monitoring of the reps and of DOJ/FBI over the course of the next few weeks. I can also assist as necessary.

Please let us know if you have any questions or concerns.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>
Date: Mon, Apr 11, 2022 at 12:51 PM
Subject: RE: Request for Access to Materials at NARA
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Cc: Gary Stern <garym.stern@nara.gov>

This request is affirmed. Thanks!

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent: Friday, April 8, 2022 12:33 PM
To: (b) (6), (b) (7)(C) EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>
Subject: Request for Access to Materials at NARA

(b) (6), (b) (7)(C)

Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 04/11/2022 02:10:42 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: Laster, John <john.laster@nara.gov>
Subject: Re: Request for Access to Materials at NARA

Great - many thanks. Looping in JayT. for awareness.

Jay

On Mon, Apr 11, 2022 at 1:59 PM Gary Stern <garym.stern@nara.gov> wrote:

Jay, the WHCO has now approved this request, in which DOJ has asked for 7 day notification, which we will provide to the Trump reps shortly. I have reached out to Bill F ((b) (6), (b) (7)(C)) about the need for the NDC to provide the monitoring of the reps and of DOJ/FBI over the course of the next few weeks. I can also assist as necessary.

Please let us know if you have any questions or concerns.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: ((b) (6), (b) (7)(C)). EOP/WHO <((b) (6), (b) (7)(C))who.eop.gov>
Date: Mon, Apr 11, 2022 at 12:51 PM
Subject: RE: Request for Access to Materials at NARA
To: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Cc: Gary Stern <garym.stern@nara.gov>

This request is affirmed. Thanks!

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Sent: Friday, April 8, 2022 12:33 PM
To: ((b) (6), (b) (7)(C)) EOP/WHO <((b) (6), (b) (7)(C))who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>
Subject: Request for Access to Materials at NARA

15bRR002376

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: William Fischer <william.fischer@nara.gov>
Sent time: 04/11/2022 02:26:53 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>
Cc: David Mengel <david.mengel@nara.gov>
Subject: Trump Records

All:

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>
Sent time: 04/11/2022 02:28:44 PM
To: William Fischer <william.fischer@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; David Mengel <david.mengel@nara.gov>
Subject: Re: Trump Records

Bill,

Do you know the start and end time for the day or even the number of hours per day?

On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:

All:

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

National Declassification Center

NARA

Phone (b) (6), (b) (7)(C)

FAX (b) (6), (b) (7)(C)

From: William Fischer <william.fischer@nara.gov>
Sent time: 04/11/2022 02:31:54 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; David Mengel <david.mengel@nara.gov>
Subject: Re: Trump Records

I don't have any other specifics, but I think we could indicate that folks are only available between 9 and 4 or something like that based on the shuttle schedule and work schedules. It could be any day of the week.

Bill

On Mon, Apr 11, 2022 at 2:28 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov> wrote:

Bill,

Do you know the start and end time for the day or even the number of hours per day?

On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:

All:

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
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8601 Adelphi Road, Rm. 6350
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Telephone: 301-837-0585
Email: William.Fischer@nara.gov

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

National Declassification Center

NARA

Phone (b) (6), (b) (7)(C)

FAX (b) (6), (b) (7)(C)

--

William P. Fischer
Director
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National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001

15bRR002380

Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>

Sent time: 04/11/2022 02:48:01 PM

To: William Fischer <william.fischer@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; David Mengel <david.mengel@nara.gov>

Subject: Re: Trump Records

I can put out a request for volunteers. (b) (6), (b) (7)(C) did it last time and is a likely candidate. (b) (6), (b) (7)(C) is also a possibility. I assume NGC is taking care of clearance passing etc?

On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:

All:

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: William Fischer <william.fischer@nara.gov>
Sent time: 04/11/2022 03:03:53 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: Fwd: Trump Records

Gary,

(b) (6), (b) (7) raises a good point. Our folks will also need a briefing from LM about roles and responsibilities.

Thanks,
Bill

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Date: Mon, Apr 11, 2022 at 2:48 PM
Subject: Re: Trump Records
To: William Fischer <william.fischer@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>, David Mengel <david.mengel@nara.gov>

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On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:

All:

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Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

15bRR002383

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/12/2022 08:55:03 AM
To: William Fischer <william.fischer@nara.gov>
Cc: Laster, John <john.laster@nara.gov>
Subject: Re: Trump Records

Bill, I'm cc'ing John, who can explain the process.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 11, 2022 at 3:04 PM William Fischer <william.fischer@nara.gov> wrote:

Gary,

(b) (6), (b) (7) raises a good point. Our folks will also need a briefing from LM about roles and responsibilities.

Thanks,
Bill

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Date: Mon, Apr 11, 2022 at 2:48 PM
Subject: Re: Trump Records
To: William Fischer <william.fischer@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>, David Mengel <david.mengel@nara.gov>

I can put out a request for volunteers (b) (6), (b) (7)(C) did it last time and is a likely candidate (b) (6), (b) (7)(C) is also a possibility. I assume NGC is taking care of clearance passing etc?

On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:

All:

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

15bRR002384

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/12/2022 11:02:32 AM
To: Laster, John <john.laster@nara.gov>
Subject: Notification of Incumbent

John, here's my proposed notification:

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI (per the attached April 8, 2022, LHM), access to the 15 boxes of materials that NARA received from Mar-a-Lago. The FBI has "requested access to the original materials starting no later than seven (7) days after the date of the incumbent President's request," and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review these materials prior to our providing access to the FBI. If so, we can arrange for your review in our SCIF at Main Archives (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>
Sent time: 04/12/2022 11:07:30 AM
To: William Fischer <william.fischer@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; David Mengel <david.mengel@nara.gov>
Subject: Re: Trump Records

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) volunteered if needed.

On Mon, Apr 11, 2022 at 2:32 PM William Fischer <william.fischer@nara.gov> wrote:

I don't have any other specifics, but I think we could indicate that folks are only available between 9 and 4 or something like that based on the shuttle schedule and work schedules. It could be any day of the week.

Bill

On Mon, Apr 11, 2022 at 2:28 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov> wrote:

Bill,

Do you know the start and end time for the day or even the number of hours per day?

On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:

All:

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

National Declassification Center

NARA

Phone (b) (6), (b) (7)(C)

FAX (b) (6), (b) (7)(C)

--

William P. Fischer
Director
National Declassification Center

15bRR002387

National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

National Declassification Center

NARA

Phone (b) (6), (b) (7)(C)

FAX (b) (6), (b) (7)(C)

From: John Laster <john.laster@nara.gov>
Sent time: 04/12/2022 11:14:09 AM
To: Gary Stern <garym.stern@nara.gov>
Subject: Re: Notification of Incumbent

Looks good.

On Tue, Apr 12, 2022, 11:03 AM Gary Stern <garym.stern@nara.gov> wrote:

John, here's my proposed notification:

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI (per the attached April 8, 2022, LHM), access to the 15 boxes of materials that NARA received from Mar-a-Lago. The FBI has "requested access to the original materials starting no later than seven (7) days after the date of the incumbent President's request," and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review these materials prior to our providing access to the FBI. If so, we can arrange for your review in our SCIF at Main Archives (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/12/2022 11:55:41 AM
To: Wall, Debra <debra.wall@nara.gov>
Cc: Bosanko, William <william.bosanko@nara.gov>; Laster, John <john.laster@nara.gov>; Donius, Susan <susan.donius@nara.gov>; David Ferriero <david.ferriero@nara.gov>; (b) (6), (b) (7)(C) @nara.gov
Subject: Fwd: Request for Access to Materials at NARA
Attachments: CDIIU-0134-22_LHM_to_DOJ_current.pdf

Deb, yesterday the White House approved the attached special access request from the FBI/DOJ for access to the original 15 boxes of Trump records/materials, and asked for expedited access in seven days.

Accordingly, we are about to provide notification to the Trump representatives, to afford them the opportunity to review the original boxes prior to the FBI. Per Section 3.9d(5) of the [Supplement to NARA 202](#), "Waiver for the Original Documents Instead of Copies," the Deputy Archivist must approve the waiver of our normal practice of providing copies to non-governmental reviewers/researchers. Accordingly, attached is a waiver form for you to sign.

Please let us know if you have any questions or would like to discuss further.

Thanks,
Gary

[W Waiver for Original Classified Documents for Tr...](#)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Date: Fri, Apr 8, 2022 at 12:34 PM
Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

15bRR002390

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

UNCLASSIFIED//FOUO



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to LHM: CDIIU-0134-22

April 8, 2022

To: Jay Bratt
Chief
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

From: (b) (6), (b) (7)(C)

Federal Bureau of Investigation

Subj: (U//FOUO) Request for access to the contents of fifteen boxes of materials received by the National Archives and Records Administration in February 2022.

(U//FOUO) Assistance is requested from the National Archives and Records Administration (NARA) to review materials in its possession related to a referral sent to the Department of Justice (DOJ) in February 2022. Among other information, NARA related that these boxes arrived in their possession on or around January 18, 2022, and contained unclassified documents as well as certain items "marked as classified national security information."

(U//FOUO) In order to facilitate the review of the above-described materials currently in NARA's possession, the FBI seeks DOJ assistance to coordinate this request with NARA. Section 2205(2)(b) of Title 44 of the United States Code permits an incumbent President to seek access to presidential records otherwise restricted from public access "if such records contain information that is needed for the conduct of current business of the incumbents President's office." Consistent with past practice, the FBI requests DOJ coordination with White House Counsel on this matter.

UNCLASSIFIED//FOUO

Page 1 of 2

15bRR002392

CDIIU-0134-22_LHM_to_DOJ_current.pdf

UNCLASSIFIED//FOUO

(U//FOUO) The FBI requests access to the original materials starting no later than seven (7) days after the date of the incumbent President's request. FBI personnel accessing the requested materials will have the proper clearances to facilitate the review of the same. Further, to allow the FBI to maintain the materials it needs, the FBI requests that NARA retain the originals and provide to the FBI copies of all specific items the FBI requests based upon its review of the original materials.

(U//FOUO) The FBI appreciates NARA's assistance in this matter. The FBI Counterintelligence Division points of contact for this matter are (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

UNCLASSIFIED//FOUO

CDIUIU-0134-22_LHM_to_DOJ_current.pdf



Office of
General
Counsel

Date: April 12, 2022
To: ND, through COO
From: Gary M. Stern, NGC
Subject: Request for a Waiver to Serve Original Classified Documents for PRA Production Review

NARA has received a PRA special access request from the incumbent White House on behalf of the Department of Justice and the FBI (per the attached April 8, 2022, LHM), for access to the original 15 boxes of materials that NARA received from Mar-a-Lago. The FBI has "requested access to the original materials starting no later than seven (7) days after the date of the incumbent President's request," and may also seek copies of specific documents following their review.

Prior to providing such access to the FBI, we need to notify and provide access to the PRA representatives of former President Trump. The Trump representatives fall under the NARA Classified Information Security Program Handbook classified research room procedures outlined in Section 3.9d(5) of the Supplement to NARA 202, "Waiver for the Original Documents Instead of Copies."

NGC requests that ND authorize a waiver to the classified copy rule, allowing us to serve the Trump representatives with original records. NARA will serve these original documents to the representatives in the Archives 1, Classified Research Room. This room is set up as a clean research room and equipped with a video camera monitoring system. NARA understands that with this waiver, we will provide two dedicated monitors for the research work and that we are responsible for maintaining double coverage in the classified research room whenever the Trump Representatives will be using original classified documents.

Please let me know if you have any questions about this request.

Waiver Approved:

DEBRA STEIDEL WALL
Deputy Archivist of the United States

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 04/12/2022 11:59:01 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: Wall, Debra <debra.wall@nara.gov>; Laster, John <john.laster@nara.gov>; Donius, Susan <susan.donius@nara.gov>; David Ferriero <david.ferriero@nara.gov>; (b) (6), (b) (7)(C) @nara.gov
Subject: Re: Request for Access to Materials at NARA

Looks good to me.

Jay

On Tue, Apr 12, 2022 at 11:56 AM Gary Stern <garym.stern@nara.gov> wrote:

Deb, yesterday the White House approved the attached special access request from the FBI/DOJ for access to the original 15 boxes of Trump records/materials, and asked for expedited access in seven days.

Accordingly, we are about to provide notification to the Trump representatives, to afford them the opportunity to review the original boxes prior to the FBI. Per Section 3.9d(5) of the [Supplement to NARA 202](#), "Waiver for the Original Documents Instead of Copies," the Deputy Archivist must approve the waiver of our normal practice of providing copies to non-governmental reviewers/researchers. Accordingly, attached is a waiver form for you to sign.

Please let us know if you have any questions or would like to discuss further.

Thanks,
Gary

[W Waiver for Original Classified Documents for Tr...](#)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Date: Fri, Apr 8, 2022 at 12:34 PM
Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

15bRR002395

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Debra Wall <debra.wall@nara.gov>
Sent time: 04/12/2022 12:02:55 PM
To: William Bosanko <william.bosanko@nara.gov>
Cc: Gary Stern <garym.stern@nara.gov>; Laster, John <john.laster@nara.gov>; Donius, Susan <susan.donius@nara.gov>; David Ferriero <david.ferriero@nara.gov>; (b) (6), (b) (7)(C) @nara.gov
Subject: Re: Request for Access to Materials at NARA

Seriously do you not know how to spell my name?? :-)

Gary Please send a corrected version to exec sec for my signature. Thanks.

On Tue, Apr 12, 2022 at 11:59 AM William Bosanko <william.bosanko@nara.gov> wrote:

Looks good to me.

Jay

On Tue, Apr 12, 2022 at 11:56 AM Gary Stern <garym.stern@nara.gov> wrote:

Deb, yesterday the White House approved the attached special access request from the FBI/DOJ for access to the original 15 boxes of Trump records/materials, and asked for expedited access in seven days.

Accordingly, we are about to provide notification to the Trump representatives, to afford them the opportunity to review the original boxes prior to the FBI. Per Section 3.9d(5) of the [Supplement to NARA 202](#), "Waiver for the Original Documents Instead of Copies," the Deputy Archivist must approve the waiver of our normal practice of providing copies to non-governmental reviewers/researchers. Accordingly, attached is a waiver form for you to sign.

Please let us know if you have any questions or would like to discuss further.

Thanks,

Gary

[W Waiver for Original Classified Documents for Tr...](#)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Date: Fri, Apr 8, 2022 at 12:34 PM
Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>

15bRR002397

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Susan Donius <susan.donius@nara.gov>
Sent time: 04/12/2022 12:13:06 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Fwd: Request for Access to Materials at NARA
Attachments: CDIIU-0134-22_LHM_to_DOJ_current.pdf

----- Forwarded message -----

From: **Gary Stern** <garym.stern@nara.gov>
Date: Tue, Apr 12, 2022, 8:56 AM
Subject: Fwd: Request for Access to Materials at NARA
To: Wall, Debra <debra.wall@nara.gov>
Cc: Bosanko, William <william.bosanko@nara.gov>, Laster, John <john.laster@nara.gov>, Donius, Susan <susan.donius@nara.gov>, David Ferriero <david.ferriero@nara.gov>, Oriabure, Stephannie <stephannie.oriabure@nara.gov>

Deb, yesterday the White House approved the attached special access request from the FBI/DOJ for access to the original 15 boxes of Trump records/materials, and asked for expedited access in seven days.

Accordingly, we are about to provide notification to the Trump representatives, to afford them the opportunity to review the original boxes prior to the FBI. Per Section 3.9d(5) of the [Supplement to NARA 202](#), "Waiver for the Original Documents Instead of Copies," the Deputy Archivist must approve the waiver of our normal practice of providing copies to non-governmental reviewers/researchers. Accordingly, attached is a waiver form for you to sign.

Please let us know if you have any questions or would like to discuss further.

Thanks,
Gary

 [Waiver for Original Classified Documents for Tr...](#)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: **Bratt, Jay (NSD)** <Jay.Bratt2@usdoj.gov>
Date: Fri, Apr 8, 2022 at 12:34 PM
Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C)@who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>

15bRR002399

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

UNCLASSIFIED//FOUO



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to LHM: CDIIU-0134-22

April 8, 2022

To: Jay Bratt
Chief
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

From: (b) (6), (b) (7)(C)

Federal Bureau of Investigation

Subj: (U//FOUO) Request for access to the contents of fifteen boxes of materials received by the National Archives and Records Administration in February 2022.

(U//FOUO) Assistance is requested from the National Archives and Records Administration (NARA) to review materials in its possession related to a referral sent to the Department of Justice (DOJ) in February 2022. Among other information, NARA related that these boxes arrived in their possession on or around January 18, 2022, and contained unclassified documents as well as certain items "marked as classified national security information."

(U//FOUO) In order to facilitate the review of the above-described materials currently in NARA's possession, the FBI seeks DOJ assistance to coordinate this request with NARA. Section 2205(2)(b) of Title 44 of the United States Code permits an incumbent President to seek access to presidential records otherwise restricted from public access "if such records contain information that is needed for the conduct of current business of the incumbents President's office." Consistent with past practice, the FBI requests DOJ coordination with White House Counsel on this matter.

UNCLASSIFIED//FOUO

Page 1 of 2

15bRR002401

UNCLASSIFIED//FOUO

(U//FOUO) The FBI requests access to the original materials starting no later than seven (7) days after the date of the incumbent President's request. FBI personnel accessing the requested materials will have the proper clearances to facilitate the review of the same. Further, to allow the FBI to maintain the materials it needs, the FBI requests that NARA retain the originals and provide to the FBI copies of all specific items the FBI requests based upon its review of the original materials.

(U//FOUO) The FBI appreciates NARA's assistance in this matter. The FBI Counterintelligence Division points of contact for this matter are (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

UNCLASSIFIED//FOUO

From: William Fischer <william.fischer@nara.gov>

Sent time: 04/12/2022 12:35:11 PM

To: John Laster <john.laster@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; Gary Stern <garym.stern@nara.gov>; David Mengel <david.mengel@nara.gov>

Subject: Trump Records

John,

We're creating a spreadsheet of NDC staff with TS/SCI clearances who are available to assist you with monitoring the visitors who will be reviewing the Trump files over the coming days. I asked the managers to have the spreadsheet completed by COB today.

When the NDC staff arrive, they'll need an introduction to the rules and procedures to follow. Most, if not all, will also be taking the shuttle, so the earliest they can start will probably be 9:00 a.m. They may also have to be on the 4:00 shuttle leaving AI in the afternoons.

I'll share the spreadsheet when it's updated.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/12/2022 12:38:01 PM
To: Debra Wall <debra.wall@nara.gov>
Cc: William Bosanko <william.bosanko@nara.gov>; Laster, John <john.laster@nara.gov>; Donius, Susan <susan.donius@nara.gov>; David Ferriero <david.ferriero@nara.gov>; (b) (6), (b) (7)(C) @nara.gov; NARA Executive Secretariat <execsec@nara.gov>
BCc: tasha.ford@nara.gov; (b) (6), (b) (7)(C) nara.gov; (b) (6), (b) (7)(C) nara.gov; (b) (6), (b) (7)(C) nara.gov; groups.archive7@nara.gov
Subject: Re: Request for Access to Materials at NARA
Attachments: Waiver for Original Classified Documents for Trump PRA Reqs.doc.docx

Very bad mistake, never to be repeated.

Here is the updated version, with cc to ExecSec.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 12:03 PM Debra Wall <debra.wall@nara.gov> wrote:

Seriously do you not know how to spell my name?? :-)

Gary Please send a corrected version to exec sec for my signature. Thanks.

On Tue, Apr 12, 2022 at 11:59 AM William Bosanko <william.bosanko@nara.gov> wrote:

Looks good to me.

Jay

On Tue, Apr 12, 2022 at 11:56 AM Gary Stern <garym.stern@nara.gov> wrote:

Deb, yesterday the White House approved the attached special access request from the FBI/DOJ for access to the original 15 boxes of Trump records/materials, and asked for expedited access in seven days.

Accordingly, we are about to provide notification to the Trump representatives, to afford them the opportunity to review the original boxes prior to the FBI. Per Section 3.9d(5) of the [Supplement to NARA 202](#), "Waiver for the Original Documents Instead of Copies," the Deputy Archivist must approve the waiver of our normal practice of providing copies to non-governmental reviewers/researchers. Accordingly, attached is a waiver form for you to sign.

Please let us know if you have any questions or would like to discuss further.

Thanks,
Gary

[Waiver for Original Classified Documents for Tr...](#)

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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: **Bratt, Jay (NSD)** <Jay.Bratt2@usdoj.gov>
Date: Fri, Apr 8, 2022 at 12:34 PM
Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stem <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stem from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

15bRR002405

jay.bratt2@usdoj.gov



Office of
General
Counsel

Date: April 12, 2022
To: ND, through COO
From: Gary M. Stern, NGC
Subject: Request for a Waiver to Serve Original Classified Documents for PRA Production Review

NARA has received a PRA special access request from the incumbent White House on behalf of the Department of Justice and the FBI (per the attached April 8, 2022, LHM), for access to the original 15 boxes of materials that NARA received from Mar-a-Lago. The FBI has "requested access to the original materials starting no later than seven (7) days after the date of the incumbent President's request," and may also seek copies of specific documents following their review.

Prior to providing such access to the FBI, we need to notify and provide access to the PRA representatives of former President Trump. The Trump representatives fall under the NARA Classified Information Security Program Handbook classified research room procedures outlined in Section 3.9d(5) of the Supplement to NARA 202, "Waiver for the Original Documents Instead of Copies."

NGC requests that ND authorize a waiver to the classified copy rule, allowing us to serve the Trump representatives with original records. NARA will serve these original documents to the representatives in the Archives 1, Classified Research Room. This room is set up as a clean research room and equipped with a video camera monitoring system. NARA understands that with this waiver, we will provide two dedicated monitors for the research work and that we are responsible for maintaining double coverage in the classified research room whenever the Trump Representatives will be using original classified documents.

Please let me know if you have any questions about this request.

Waiver Approved:

DEBRA STEIDEL WALL
Deputy Archivist of the United States

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>
Sent time: 04/12/2022 01:18:11 PM
To: Gary Stern <garym.stern@nara.gov>
Debra Wall <debra.wall@nara.gov>; William Bosanko <william.bosanko@nara.gov>; Laster, John <john.laster@nara.gov>; Donius, Susan
Cc: <susan.donius@nara.gov>; David Ferriero <david.ferriero@nara.gov>; (b) (6), (b) (7)(C) @nara.gov; ExecSec
<ExecSec@nara.gov>
BCc: tasha.ford@nara.gov; (b) (6), (b) (7)(C)nara.gov; (b) (6), (b) (7)(C) nara.gov; groups.archive7@nara.gov
Subject: Re: Request for Access to Materials at NARA

Received.

On Tue, Apr 12, 2022 at 12:38 PM Gary Stern <garym.stern@nara.gov> wrote:
Very bad mistake, never to be repeated.

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Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
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garym.stern@nara.gov



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Thanks,
Gary

Gary M. Stern
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garym.stern@nara.gov



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From: **Bratt, Jay (NSD)** <Jay.Bratt2@usdoj.gov>
Date: Fri, Apr 8, 2022 at 12:34 PM
Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

15bRR002409

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

National Archives and Records Administration

700 Pennsylvania Avenue, NW - Room 116

Washington, D.C. 20408-0001

T: (b) (6), (b) (7)(C)



From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/13/2022 07:18:01 AM
David Ferriero <david.ferriero@nara.gov>; Wall, Debra <debra.wall@nara.gov>; Bosanko, William <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hamilton, John <john.hamilton@nara.gov>; Laster, John <john.laster@nara.gov>; (b) (6), (b) (7)(C) @nara.gov; Maria Stanwich <maria.stanwich@nara.gov>; Jeannette Wise <jeannette.wise@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Valceanu <john.valceanu@nara.gov>
To: (b) (6), (b) (7)(C) @nara.gov; Maria Stanwich <maria.stanwich@nara.gov>; Jeannette Wise <jeannette.wise@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Valceanu <john.valceanu@nara.gov>
Subject: Re: DOJ Letter to Chairwoman Maloney

FYI, here's a Post story on this issue and the DOJ letter: <https://www.washingtonpost.com/politics/2022/04/12/trump-boxes-records-top-secret-doj/>

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 11, 2022 at 1:19 PM Gary Stern <garym.stern@nara.gov> wrote:

See DOJ letter in response to Maloney's letter to the AG, and reiterating that NARA should refer all queries about this issue to DOJ.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
Date: Mon, Apr 11, 2022 at 12:20 PM
Subject: DOJ Letter to Chairwoman Maloney
To: Gary Stern <garym.stern@nara.gov>

15bRR002412

Gary:

Please see the attached letter that was sent to the Hill today from our Office of Legislative Affairs. Based on our prior discussions, you responded to the most recent Congressional request by providing no comment and referring them to DOJ. Consistent with that approach and the attached letter, please continue to handle any future requests about this matter in the same way and simply refer them to DOJ. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/13/2022 07:19:30 AM
To: Wall, Debra <debra.wall@nara.gov>
Cc: Bosanko, William <william.bosanko@nara.gov>; Laster, John <john.laster@nara.gov>; Donius, Susan <susan.donius@nara.gov>; David Ferriero <david.ferriero@nara.gov>; (b) (6), (b) (7)(C) @nara.gov
Subject: Re: Request for Access to Materials at NARA

The FBI letter requesting access to the boxes should be kept as close hold -- please do not share or disclose it to anyone else.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 11:55 AM Gary Stern <garym.stern@nara.gov> wrote:

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Accordingly, we are about to provide notification to the Trump representatives, to afford them the opportunity to review the original boxes prior to the FBI. Per Section 3.9d(5) of the [Supplement to NARA 202](#), "Waiver for the Original Documents Instead of Copies," the Deputy Archivist must approve the waiver of our normal practice of providing copies to non-governmental reviewers/researchers. Accordingly, attached is a waiver form for you to sign.

Please let us know if you have any questions or would like to discuss further.

Thanks,
Gary

[W Waiver for Original Classified Documents for Tr...](#)

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Subject: Request for Access to Materials at NARA

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(b) (6), (b) (7)(C)

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Jay

Jay I. Bratt

Chief

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U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Debra Wall <debra.wall@nara.gov>
Sent time: 04/13/2022 10:26:10 AM
To: Gary Stern <garym.stern@nara.gov>
Subject: Re: Request for Access to Materials at NARA

You got the signed waiver already, right?

On Wed, Apr 13, 2022 at 7:20 AM Gary Stern <garym.stern@nara.gov> wrote:

The FBI letter requesting access to the boxes should be kept as close hold -- please do not share or disclose it to anyone else.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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[W Waiver for Original Classified Documents for Tr...](#)

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Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/13/2022 10:32:27 AM
To: Debra Wall <debra.wall@nara.gov>
Subject: Re: Request for Access to Materials at NARA

Yes, now that you've reminded me, I just pulled it out of ETMS. Thanks for your quick response.

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, Apr 13, 2022 at 10:24 AM Debra Wall <debra.wall@nara.gov> wrote:

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Gary

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garym.stern@nara.gov



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Instead of Copies,” the Deputy Archivist must approve the waiver of our normal practice of providing copies to non-governmental reviewers/researchers. Accordingly, attached is a waiver form for you to sign.

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Thanks,
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[W Waiver for Original Classified Documents for Tr...](#)

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Jay

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Chief

Counterintelligence and Export Control

Section

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Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/13/2022 11:52:42 AM
To: Laster, John <john.laster@nara.gov>; (b) (6), (b) (7)(C) @nara.gov>
Cc: Bosanko, William <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>
Subject: Re: Request for Access to Materials at NARA
Attachments: Waiver for Original Classified Documents for Trump PRA Reps.final.pdf

Here's the signed waiver form.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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15bRR002421

Thanks,
Gary

[W Waiver for Original Classified Documents for Tr...](#)

Gary M. Stern
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Cc: Gary Stern <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

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Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

15bRR002422

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov



Office of
General
Counsel

Date: April 12, 2022
To: ND, through COO
From: Gary M. Stern, NGC
Subject: Request for a Waiver to Serve Original Classified Documents for PRA Production Review

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Please let me know if you have any questions about this request.

Waiver Approved:

DEBRA STEIDEL WALL
Deputy Archivist of the United States

From: John Laster <john.laster@nara.gov>
Sent time: 04/13/2022 12:06:47 PM
To: William Fischer <william.fischer@nara.gov>
Cc: GaryM Stern <garym.stern@nara.gov>; David Mengel <david.mengel@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Re: Trump Records

Bill:

I'm happy to brief NDC staff who will participate in this project.

John

On Tue, Apr 12, 2022 at 8:55 AM Gary Stern <garym.stern@nara.gov> wrote:
Bill, I'm cc'ing John, who can explain the process.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 11, 2022 at 3:04 PM William Fischer <william.fischer@nara.gov> wrote:
Gary,

(b) (6), (b) (7)(C) raises a good point. Our folks will also need a briefing from LM about roles and responsibilities.

Thanks,
Bill

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>
Date: Mon, Apr 11, 2022 at 2:48 PM
Subject: Re: Trump Records
To: William Fischer <william.fischer@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; David Mengel <david.mengel@nara.gov>

I can put out a request for volunteers. (b) (6), (b) (7)(C) did it last time and is a likely candidate. (b) (6), (b) (7)(C) is also a possibility. I assume NGC is taking care of clearance passing etc?

On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:
All:

15bRR002425

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

From: William Fischer <william.fischer@nara.gov>
Sent time: 04/13/2022 12:17:18 PM
To: John Laster <john.laster@nara.gov>
Cc: GaryM Stern <garym.stern@nara.gov>; David Mengel <david.mengel@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Re: Trump Records

Thanks, John

On Wed, Apr 13, 2022 at 12:07 PM John Laster <john.laster@nara.gov> wrote:

Bill:

I'm happy to brief NDC staff who will participate in this project.

John

On Tue, Apr 12, 2022 at 8:55 AM Gary Stern <garym.stern@nara.gov> wrote:

Bill, I'm cc'ing John, who can explain the process.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, Apr 11, 2022 at 3:04 PM William Fischer <william.fischer@nara.gov> wrote:

Gary,

Don raises a good point. Our folks will also need a briefing from LM about roles and responsibilities.

Thanks,
Bill

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Date: Mon, Apr 11, 2022 at 2:48 PM

Subject: Re: Trump Records

To: William Fischer <william.fischer@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>, David Mengel <david.mengel@nara.gov>

I can put out a request for volunteers (b) (6), (b) (7)(C) did it last time and is a likely candidate (b) (6), (b) (7)(C) is also a possibility. I assume NGC is taking care of clearance passing etc?

15bRR002427

On Mon, Apr 11, 2022 at 2:27 PM William Fischer <william.fischer@nara.gov> wrote:

All:

I just heard from NGC that we're going to need people ready in the coming days who can monitor Trump reps and DOJ officials who will be reviewing the Trump records later this week and next week at AI. My understanding is that we need two of our folks present in the room when the visitors review the records. We could use the same people who did the inventory or others, but our staff must have TS/SCI. It doesn't sound like the SAP is necessary. According to NGC, it may only be a couple of days worth of monitoring, but I don't know for sure. I believe LM will be coordinating the visits and answering any questions about the records. NGC said our role is merely to monitor the visitors. Please identify staff who can do this, and I'll share info as I have it. I think we should be ready with names by tomorrow.

Thanks,
Bill

--

William P. Fischer
Director
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--

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--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

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William P. Fischer
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National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: John Laster <john.laster@nara.gov>
Sent time: 04/19/2022 08:44:27 AM
To: GaryM Stern <garym.stern@nara.gov>
Subject: Fwd: Special Access Request from Incumbent Administration

Gary:

Let me brief you on this before you respond to (b) (6).

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Date: Mon, Apr 18, 2022, 8:54 PM
Subject: Re: Special Access Request from Incumbent Administration
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> Laster, John <john.laster@nara.gov>

Gary and John,

Two items on this request.

Today, I asked (b) (6), (b) (7)(C) for an extension on the 7-day clock. I thought it would expedite things to go to him directly. While that request is pending, can you please not release anything tomorrow? I expect we will know on the extension before COB tomorrow.

Also, President Trump has retained (b) (6), (b) (7)(C) to represent him in this matter. Can you please allow her to correspond with you and provide President Trump's determinations on any privilege issues just as you have allowed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) I am designating her first that purpose.

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 10:26 AM, Gary Stern <garym.stern@nara.gov> wrote:

Yes, correct. Thanks

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 10:21 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

Gary,

We're working through that. But we have at least until next Tuesday, correct?

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 9:24 AM, Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) please let us know whether, and if so, when you would like to come to review these records, before we provide access to the FBI?

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 12:34 PM Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,

Gary

Gary M. Stern

15bRR002433

General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/19/2022 08:48:16 AM
To: John Laster <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

Okay. Call or chat me when you're free, ideally before 10.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 19, 2022 at 8:44 AM John Laster <john.laster@nara.gov> wrote:

Gary:

Let me brief you on this before you respond to (b) (6).

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Date: Mon, Apr 18, 2022, 8:54 PM
Subject: Re: Special Access Request from Incumbent Administration
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> Laster, John <john.laster@nara.gov>

Gary and John,

Two items on this request.

Today, I asked (b) (6), (b) (7)(C) for an extension on the 7-day clock. I thought it would expedite things to go to him directly. While that request is pending, can you please not release anything tomorrow? I expect we will know on the extension before COB tomorrow.

Also, President Trump has retained (b) (6), (b) (7)(C) to represent him in this matter. Can you please allow her to correspond with you and provide President Trump's determinations on any privilege issues just as you have allowed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) I am designating her first that purpose.

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 10:26 AM, Gary Stern <garym.stern@nara.gov> wrote:

15bRR002435

Yes, correct. Thanks

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 10:21 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

Gary,

We're working through that. But we have at least until next Tuesday, correct?

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 9:24 AM, Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) please let us know whether, and if so, when you would like to come to review these records, before we provide access to the FBI?

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 12:34 PM Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 15bRR002436

44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/19/2022 09:22:45 AM
To: John Laster <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

Here's the bio on (b) (6), (b) (7)(C)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 19, 2022 at 8:48 AM Gary Stern <garym.stern@nara.gov> wrote:
Okay. Call or chat me when you're free, ideally before 10.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 19, 2022 at 8:44 AM John Laster <john.laster@nara.gov> wrote:
Gary:

Let me brief you on this before you respond to (b) (6)

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Date: Mon, Apr 18, 2022, 8:54 PM
Subject: Re: Special Access Request from Incumbent Administration
To: Gary Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> Laster, John <john.laster@nara.gov>

Gary and John,

15bRR002438

Two items on this request.

Today, I asked (b) (6), (b) (7)(C) for an extension on the 7-day clock. I thought it would expedite things to go to him directly. While that request is pending, can you please not release anything tomorrow? I expect we will know on the extension before COB tomorrow.

Also, President Trump has retained (b) (6), (b) (7)(C) to represent him in this matter. Can you please allow her to correspond with you and provide President Trump's determinations on any privilege issues just as you have allowed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) I am designating her first that purpose.

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 10:26 AM, Gary Stern <garym.stern@nara.gov> wrote:

Yes, correct. Thanks

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 10:21 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

Gary,

We're working through that. But we have at least until next Tuesday, correct?

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 9:24 AM, Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) please let us know whether, and if so, when you would like to come to review these records, before we provide access to the FBI?

Thanks,

15bRR002439

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 12:34 PM Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

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Please contact me or John Laster if you have questions and would like to review the boxes.

Thanks,
Gary

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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/19/2022 10:06:23 AM
To: John Laster <john.laster@nara.gov>
Subject: Re: Special Access Request from Incumbent Administration

FYI, Jay Bratt from DOJ called asking about the status since this is the 7th day, so I told him about (b) (6), (b) (7)(C) email, re the extension and (b) (6), (b) (7)(C) new role.

I will check in with (b) (6), (b) (7)(C) after MT.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 19, 2022 at 9:22 AM Gary Stern <garym.stern@nara.gov> wrote:

Here's the bio on (b) (6), (b) (7)(C) !

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 19, 2022 at 8:48 AM Gary Stern <garym.stern@nara.gov> wrote:

Okay. Call or chat me when you're free, ideally before 10.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 19, 2022 at 8:44 AM John Laster <john.laster@nara.gov> wrote:

Gary:

Let me brief you on this before you respond to (b) (6).

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

Date: Mon, Apr 18, 2022, 8:54 PM

Subject: Re: Special Access Request from Incumbent Administration

To: Gary Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> Laster, John <john.laster@nara.gov>

Gary and John,

Two items on this request.

Today, I asked (b) (6), (b) (7)(C) for an extension on the 7-day clock. I thought it would expedite things to go to him directly. While that request is pending, can you please not release anything tomorrow? I expect we will know on the extension before COB tomorrow.

Also, President Trump has retained (b) (6), (b) (7)(C) to represent him in this matter. Can you please allow her to correspond with you and provide President Trump's determinations on any privilege issues just as you have allowed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) I am designating her first that purpose.

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 10:26 AM, Gary Stern <garym.stern@nara.gov> wrote:

Yes, correct. Thanks

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



15bRR002442



On Thu, Apr 14, 2022 at 10:21 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:
Gary,

We're working through that. But we have at least until next Tuesday, correct?

Thanks,

(b) (6), (b) (7)(C)

Sent from my iPhone

On Apr 14, 2022, at 9:24 AM, Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) please let us know whether, and if so, when you would like to come to review these records, before we provide access to the FBI?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
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College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 12:34 PM Gary Stern <garym.stern@nara.gov> wrote:

(b) (6), (b) (7)(C) in accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, yesterday the White House requested, on behalf of the Department of Justice and the FBI, access to the 15 boxes that NARA received from Mar-a-Lago. Per this request, the FBI is seeking to review the original boxes starting no later than seven (7) days after the date of the incumbent President's request, and may also seek copies of specific documents following their review.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the urgency of this request, we ask that you let us know as soon as possible if you would like to review the boxes prior to our providing access to the FBI next week. If so, we can arrange for your review in our SCIF at Archives I (given that the boxes contain information classified at least up to the level of TS/SCI).

Please contact me or John Laster if you have questions and would like to review the boxes. 15kBR002443

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov





On Tue, Apr 12, 2022 at 12:35 PM William Fischer <william.fischer@nara.gov> wrote:

John,

We're creating a spreadsheet of NDC staff with TS/SCI clearances who are available to assist you with monitoring the visitors who will be reviewing the Trump files over the coming days. I asked the managers to have the spreadsheet completed by COB today.

When the NDC staff arrive, they'll need an introduction to the rules and procedures to follow. Most, if not all, will also be taking the shuttle, so the earliest they can start will probably be 9:00 a.m. They may also have to be on the 4:00 shuttle leaving AI in the afternoons.

I'll share the spreadsheet when it's updated.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/20/2022 08:21:05 AM
To: William Bosanko <william.bosanko@nara.gov>; Wall, Debra <debra.wall@nara.gov>; David Ferriero <david.ferriero@nara.gov>
Subject: Re: Request for Access to Materials at NARA

Do the three of you have time this morning for me to fill you in on the potential complications related to the Trump reps privilege review of the boxes (preferably before MT)?

FYI, Trump has retained (b) (6), (b) (7)(C) to represent him on this matter (b) (6), (b) (7)(C)

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 11:59 AM William Bosanko <william.bosanko@nara.gov> wrote:

Looks good to me.

Jay

On Tue, Apr 12, 2022 at 11:56 AM Gary Stern <garym.stern@nara.gov> wrote:

Deb, yesterday the White House approved the attached special access request from the FBI/DOJ for access to the original 15 boxes of Trump records/materials, and asked for expedited access in seven days.

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Please let us know if you have any questions or would like to discuss further.

Thanks,
Gary

[W Waiver for Original Classified Documents for Tr...](#)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)

15bRR002447



----- Forwarded message -----

From: **Bratt, Jay (NSD)** <Jay.Bratt2@usdoj.gov>

Date: Fri, Apr 8, 2022 at 12:34 PM

Subject: Request for Access to Materials at NARA

To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>

Cc: Gary Stern <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

Please see the attached Letterhead Memorandum I have received from the FBI requesting access to certain materials, to include Presidential Records, now in the possession of NARA. Also, please note the short turnaround time we are requesting. I'm copying Gary Stern from NARA, who is aware of this request.

Please let me know if you have any questions. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

From: David Ferriero <david.ferriero@nara.gov>
Sent time: 04/20/2022 08:45:39 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: William Bosanko <william.bosanko@nara.gov>; Wall, Debra <debra.wall@nara.gov>
Subject: Re: Request for Access to Materials at NARA

9:30?

On Wed, Apr 20, 2022 at 8:21 AM Gary Stern <garym.stern@nara.gov> wrote:

Do the three of you have time this morning for me to fill you in on the potential complications related to the Trump reps privilege review of the boxes (preferably before MT)?

FYI, Trump has retained (b) (6), (b) (7)(C) to represent him on this matter: (b) (6), (b) (7)(C)

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



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Thanks,
Gary

[W Waiver for Original Classified Documents for Tr...](#)

Gary M. Stern
General Counsel

15bRR002449

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8601 Adelphi Road
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(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: **Bratt, Jay (NSD)** <Jay.Bratt2@usdoj.gov>
Date: Fri, Apr 8, 2022 at 12:34 PM
Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

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Chief

Counterintelligence and Export Control

Section

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U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

15bRR002450

jay.bratt2@usdoj.gov

--

David S. Ferriero
Archivist of the United States
700 Pennsylvania Avenue NW
Washington, DC 20408-0001
T: 202-357-5900 F: 202-357-5901
www.archives.gov

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 04/20/2022 08:47:11 AM
To: Debra Wall <debra.wall@nara.gov>
Cc: David Ferriero <david.ferriero@nara.gov>; Gary Stern <garym.stern@nara.gov>
Subject: Re: Request for Access to Materials at NARA

Works for me.

On Wed, Apr 20, 2022 at 8:46 AM Debra Wall <debra.wall@nara.gov> wrote:

Sure.

On Wed, Apr 20, 2022 at 8:45 AM David Ferriero <david.ferriero@nara.gov> wrote:
9:30?

On Wed, Apr 20, 2022 at 8:21 AM Gary Stern <garym.stern@nara.gov> wrote:

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Thanks,
Gary

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8601 Adelphi Road
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Gary

15bRR002452

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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(b) (6), (b) (7)(C) (cell)
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301-837-0293 (fax)
garym.stern@nara.gov



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--

David S. Ferriero

Archivist of the United States

700 Pennsylvania Avenue NW

Washington, DC 20408-0001

T: 202-357-5900 F: 202-357-5901

www.archives.gov

From: Debra Wall <debra.wall@nara.gov>
Sent time: 04/20/2022 08:49:21 AM
To: David Ferriero <david.ferriero@nara.gov>
Cc: Gary Stern <garym.stern@nara.gov>; William Bosanko <william.bosanko@nara.gov>
Subject: Re: Request for Access to Materials at NARA

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9:30?

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Thanks,
Gary

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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



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Subject: Request for Access to Materials at NARA
To: (b) (6), (b) (7)(C) who.eop.gov <(b) (6), (b) (7)(C) who.eop.gov>
Cc: Gary Stern <garym.stern@nara.gov>

(b) (6), (b) (7)(C)

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Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

15bRR002456

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

--

David S. Ferriero
Archivist of the United States
700 Pennsylvania Avenue NW
Washington, DC 20408-0001
T: 202-357-5900 F: 202-357-5901
www.archives.gov

From: William Fischer <william.fischer@nara.gov>

Sent time: 04/20/2022 01:59:06 PM

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Cc: David Mengel <david.mengel@nara.gov>

Subject: Re: Trump Records

Please take a look at the schedule for Thursday and Friday. We have lots of people available on Thursday and two on Friday. We need to make a cut since we only need one on each day.

I'm wondering about (b) (6), (b) (7)(C) alternating (one on Thursday and the other on Friday). Any other ideas?

(b) (6), (b) (7)(C): What are your thoughts since this involves your staff?

Bill

On Tue, Apr 19, 2022 at 9:22 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, there's a reasonable chance that we may need one person to assist John L. in monitoring the Trump reps on Thursday and/or Friday. We will keep you posted as to whether and when it might be happening. (fyi, John L. and I plan to cover if it take place tomorrow afternoon or Thursday morning, but if later, then we will likely need one of your staff to help.)

Thanks,
Gary

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(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 11:20 AM William Fischer <william.fischer@nara.gov> wrote:

Hi Gary,

(b) (6), (b) (7)(C) will be your contact tomorrow (4/15) and Monday (4/18) if you need to schedule any NDC monitors. The rest of us will be taking leave. (b) (6), (b) (7) is copied.

Bill

On Tue, Apr 12, 2022 at 2:55 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, et al., just to clarify, we do not yet have a time scheduled when we will need your help monitoring the review of the boxes by the Trump reps or the FBI. We will let you know when we need it, which could be later this week, but might not be until next week.

We will keep you posted.

Thanks,
Gary

Gary M. Stern
General Counsel

15bRR002458

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



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John,

We're creating a spreadsheet of NDC staff with TS/SCI clearances who are available to assist you with monitoring the visitors who will be reviewing the Trump files over the coming days. I asked the managers to have the spreadsheet completed by COB today.

When the NDC staff arrive, they'll need an introduction to the rules and procedures to follow. Most, if not all, will also be taking the shuttle, so the earliest they can start will probably be 9:00 a.m. They may also have to be on the 4:00 shuttle leaving AI in the afternoons.

I'll share the spreadsheet when it's updated.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
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--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001

Telephone: 301-837-0585
Email: William.Fischer@nara.gov



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Thanks,
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William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001

15bRR002462

Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
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National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/20/2022 02:24:07 PM
To: William Fischer <william.fischer@nara.gov>
John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C)
Cc: <(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; David Mengel <david.mengel@nara.gov>; (b) (6), (b) (7)(C)
<(b) (6), (b) (7)(C)nara.gov>; (b) (6), (b) (7)(C)
Subject: Re: Trump Records

Bill, et al., there's a growing chance now that we will need two people either or both tomorrow and/or Friday, and at least one may need to stay until 5:00 each day.

But it also all remains uncertain and fluid at the moment.

Thanks,
Gary

Gary M. Stern
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garym.stern@nara.gov



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College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 11:20 AM William Fischer <william.fischer@nara.gov> wrote:

Hi Gary,

15bRR002464

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Email: William.Fischer@nara.gov

--

15bRR002465

William P. Fischer
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National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: William Fischer <william.fischer@nara.gov>

Sent time: 04/20/2022 02:39:21 PM

To: Gary Stern <garym.stern@nara.gov>

Cc: John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; David Mengel <david.mengel@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Subject: Re: Trump Records

Gary,

I think all the volunteers will be taking the NARA shuttle, so they'll need to be out early enough to catch the 5 p.m. shuttle.

Bill

On Wed, Apr 20, 2022 at 2:24 PM Gary Stern <garym.stern@nara.gov> wrote:

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William P. Fischer

15bRR002468

Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

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From: William Fischer <william.fischer@nara.gov>

Sent time: 04/20/2022 02:43:04 PM

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Cc: David Mengel <david.mengel@nara.gov>

Subject: Re: Trump Records

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15bRR002470



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From: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>
Sent time: 04/20/2022 02:53:30 PM
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Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>; David Mengel <david.mengel@nara.gov>
Subject: Re: Trump Records
Attachments: smime.p7s

I had given (b) (6), (b) (7)(C) a heads up that we had limited volunteers for Friday coverage, so she should be generally prepared for Friday.

(b) (6), (b) (7)(C) typically works a later schedule 9ish-5:30ish, so I think I would list him first. But all my volunteers are willing to help.

(b) (6), (b) (7)(C)

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**[REDACTED], National Declassification Center, NARA
8601 Adelphi Road, Room 1350, College Park, MD 20740**

Direct - (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) nara.gov

From: William Fischer <william.fischer@nara.gov>

Sent time: 04/20/2022 03:44:28 PM

To: Gary Stern <garym.stern@nara.gov>

John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; David Mengel <david.mengel@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

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Attachments: SignedMessage.eml

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On Tue, Apr 12, 2022 at 12:35 PM William Fischer <william.fischer@nara.gov> wrote:

John,

We're creating a spreadsheet of NDC staff with TS/SCI clearances who are available to assist you with monitoring the visitors who will be reviewing the Trump files over the coming days. I asked the managers to have the spreadsheet completed by COB today.

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I'll share the spreadsheet when it's updated.

Thanks,
Bill

--

William P. Fischer

15bRR002486

Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
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National Archives and Records Administration
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Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: William Fischer <william.fischer@nara.gov>

Sent time: 04/20/2022 06:09:18 PM

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Cc: Gary Stern <garym.stern@nara.gov>; John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; David Mengel <david.mengel@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

Subject: Re: Trump Records

Thanks, (b) (6), (b) (7)(C)

Bill

On Wed, Apr 20, 2022 at 5:36 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov> wrote:

Just got off the phone with (b) (6), (b) (7)(C). He is on standby and ready for Friday if needed.

On Wed, Apr 20, 2022, 3:44 PM William Fischer <william.fischer@nara.gov> wrote:

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Bill

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Bill, et al., there's a growing chance now that we will need two people either or both tomorrow and/or Friday, and at least one may need to stay until 5:00 each day.

But it also all remains uncertain and fluid at the moment.

Thanks,

Gary

Gary M. Stern
General Counsel
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8601 Adelphi Road
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(b) (6), (b) (7)(C) (cell)
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garym.stern@nara.gov



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Gary M. Stern
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National Archives and Records Administration

15bRR002488

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Hi Gary,

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We will keep you posted.

Thanks,
Gary

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15bRR002489

Thanks,
Bill

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William P. Fischer
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Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road

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William P. Fischer
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15bRR002493

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15bRR002497

Email: William.Fischer@nara.gov

--

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Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/22/2022 09:24:13 AM
To: Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Fwd: Special access request for Trump Presidential records

FYI

Gary M. Stern
General Counsel
National Archives and Records Administration

----- Forwarded message -----

From: **John Laster** <john.laster@nara.gov>
Date: Thu, Apr 21, 2022, 4:14 PM
Subject: Special access request for Trump Presidential records
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> <(b) (6), (b) (7)(C)>
Cc: GaryM Stern <garym.stern@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

In accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, the White House has requested, on behalf of the Department of Justice and the FBI, access to eight pages of Trump Presidential records from the files of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), that concern records related to boxes that were recently shipped from Mar-a-Lago to NARA.

(b) (6), please note that these eight pages were included in the Trump Presidential records that you approved us to provide to (b) (6), (b) (7)(C) in response to a special access request from the Biden Administration (September 15, 2021 email from you to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Each of you will shortly receive a link from me to download the requested records. The password is 6b62YCGC.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the stated urgency of this matter, we request that you complete your review in seven calendar days.

Please let me know if you have any questions.

John

--
John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 04/28/2022 03:39:14 PM
To: Laster, John <john.laster@nara.gov>
Subject: Re: Special access request for Trump Presidential records

John, conference me in if you can, as I'm heading to A1.

Gary M. Stern
General Counsel
National Archives and Records Administration

On Thu, Apr 28, 2022, 3:34 PM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:
Hello everyone,

I hope you are well. I wanted to introduce you to Evan Corcoran who now represents President Trump in this matter.

(b) (6), (b) (7)(C) will be sending an email to authorize Evan's ability to access records shortly.

John, do you mind jumping on a quick call with us sometime before 5? It should only take about 15 minutes.

Thanks,

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

This electronic message transmission contains information from the law firm (b) (6), (b) (7)(C) that may be confidential or privileged. The information is intended solely for the recipient and use by any other party is not authorized. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this electronic transmission in error, please notify us immediately at the above listed number or by electronic mail.

From: John Laster <john.laster@nara.gov>
Sent: Thursday, April 21, 2022 4:14 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>
Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Special access request for Trump Presidential records

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

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15bRR002500

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John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

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silvermanthompson.com

Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:
Evan Corcoran

(b) (6), (b) (7)(C)

April 29, 2022

Via Electronic Mail

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: Special Access Request From Incumbent Administration

Dear Mr. Stern:

I have recently been retained by President Donald J. Trump in connection with certain Presidential records maintained by the National Archives and Records Administration (NARA).

I understand that on April 11, 2022, President Joseph R. Biden, Jr. made a special access request pursuant to 36 C.F.R. § 1270.44, seeking that NARA make available to the U.S. Department of Justice 15 boxes of Presidential records of President Donald J. Trump. As you know, the Presidential Records Act of 1978 (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations, provide a former President (or his representative) the right to access Presidential records prior to NARA making them available to a requestor. This right of access is important because it allows the former President to determine whether any of the documents are subject to executive privilege. It is critically important to the institution of the Presidency that a former President be allowed to review requested Presidential documents and, where appropriate, to assert a claim of constitutionally based privilege.

We have requested the ability to review the documents. That review is necessary in order to ascertain whether any specific document is subject to privilege. We would respectfully request that you restrict access to the documents until we have had the opportunity to review the documents and to consult with President Donald J. Trump so that he may personally make any decision to assert a claim of constitutionally based privilege. *See* 36 C.F.R. § 1270.44(d).

As you are aware, a former President ordinarily has 30 days within which to review requested records. That period has not been provided. The review here will require coordination with the Department of Justice. We have proposed ideas to facilitate that process, but no agreed upon process has yet been determined. It is also our understanding that, because of the volume of

Gary M. Stern
April 29, 2022
Page Two

materials contained in the boxes, it will take approximately one week to complete our review, once we are granted access. After that review, we will consult with President Donald J. Trump.

In terms of timing, we are working closely with the Department of Justice and the White House so that we can be in a position to review the documents in a timely manner. This type of accommodation process has been expressly encouraged by the judiciary.

Especially given the need to coordinate review with the Department of Justice, we request that you adjust any applicable time period and give us the additional time needed for our review and consultation. *See* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”).

If you decline to provide us the needed time to review these documents, please consider this letter a protective assertion of executive privilege made by counsel for the former President. That protective assertion of executive privilege would extend to all documents involved. This protective assertion ensures that President Donald J. Trump will be able – consistent with his constitutional duties and the statutory framework – to make a final decision whether to assert privilege following a full review of the materials. *See Protective Assertion of Executive Privilege*, 20 Op. O.L.C. at 1.

Thank you for considering this request.

With best regards,

M. Evan Corcoran

cc: John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)

The White House
via electronic mail

(b) (6), (b) (7)(C)

via electronic mail

From: Debra Wall <debra.wall@nara.gov>
Sent time: 04/29/2022 06:25:38 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: Bosanko, William <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Laster, John <john.laster@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: Special Access Request

No questions. Thanks.

On Fri, Apr 29, 2022 at 6:19 PM Gary Stern <garym.stern@nara.gov> wrote:

fyi, see attached letter from new counsel to President Trump, re the pending special access request from President Biden, on behalf of DOJ/FBI to review the 15 boxes. Recall that the per the Biden request, we gave the Trump reps a 7 day notification, which ran last Friday, but WHCO extended it to today. This letter comes after WHCO told the new reps that the WH would not further extend the notification period.

I have acknowledged receipt of the letter, and will confer further with WHCO and DOJ on Monday about next steps. (Note that executive privilege must be asserted personally by the former President, and that a blanket "protective assertion of executive privilege" is not a valid thing, particularly when being made by the representative/counsel to the former President.

Let me know if you have any questions.

Thanks,

Gary

Gary M. Stern
General Counsel
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(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Fri, Apr 29, 2022 at 5:55 PM
Subject: Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> @who.eop.gov, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, John Laster <john.laster@nara.gov>

Dear Mr. Stern:

Please see the attached correspondence.

15bRR002506

As always, I am happy to discuss at your convenience.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, John Laster <john.laster@nara.gov>

Dear Mr. Stern:

Please see the attached correspondence.

As always, I am happy to discuss at your convenience.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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2022-05-01 NARA Letter.pdf

SILVERMAN THOMPSON

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Writer's Direct Contact:

Evan Corcoran

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May 1, 2022

Via Electronic Mail

Mr. Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: April 11, 2022, Special Access Request From Incumbent Administration

Dear Mr. Stern:

I write to follow up on my April 29, 2022, letter.

That letter sets forth President Donald J. Trump's personal decision. It was sent to you after consultation with him on the matters discussed therein and sets forth his position on those matters.

Accordingly, the letter satisfies the requirement in 36 C.F.R. § 1270.44(d) that "[t]he incumbent or former President must personally make any decision to assert a claim of constitutionally based privilege against disclosing a Presidential record or a reasonably segregable portion of it."

Please let me know if you need any additional information regarding this claim of privilege.

With best regards,



M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

Mr. Gary M. Stern
May 1, 2022
Page Two

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The White House
via electronic mail

(b) (6), (b) (7)(C)

via electronic mail

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/04/2022 09:33:21 AM
To: Debra Wall <debra.wall@nara.gov>
Cc: Bosanko, William <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Laster, John <john.laster@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: Special Access Request

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Let me know if you have any questions.

Thanks,
Gary

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General Counsel
National Archives and Records Administration
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garym.stern@nara.gov



On Sun, May 1, 2022 at 4:03 PM Gary Stern <garym.stern@nara.gov> wrote:

FYI, I will be meeting with DOJ first thing Monday morning to discuss this issue (including two additional letters I received from Trump's counsel today, which I will forward), and then will need to discuss with you.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

On Fri, Apr 29, 2022, 6:22 PM Debra Wall <debra.wall@nara.gov> wrote:

No questions. Thanks.

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fyi, see attached letter from new counsel to President Trump, re the pending special access request from President Biden, on behalf of DOJ/FBI to review the 15 boxes. Recall that the per the Biden request, we gave the Trump reps a 7 day notification, which ran last Friday, but WHCO extended it to today. This letter comes after WHCO told the new reps that the WH would not further extent the notification period.

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From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/04/2022 11:03:06 AM
To: Debra Wall <debra.wall@nara.gov>
Cc: Bosanko, William <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Laster, John <john.laster@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: Special Access Request
Attachments: Letter to Evan Corcoran re Trump Boxes.draft.2.05.04.2022.docx

Attached is the draft letter to the Trump Rep, which has been substantially revised by DOJ (with a few minor edits that I just made).

Next formal steps will be formal calls with OLC and WHC to finalize this process.

Please let me know if anyone has any comments or concerns with this approach.

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Gary

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Partner



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DATE

Evan Corcoran
Silverman Thompson
400 East Pratt Street
Suite 900
Baltimore, MD 21202
By Email

Dear Mr. Corcoran:

I write in response to your letters of April 29, 2022, and May 1, 2022, requesting that I further delay my disclosure to the Federal Bureau of Investigation (FBI) of the records that were the subject of our April 12, 2022 notification to an authorized representative of the former President.

As you are no doubt aware, NARA had ongoing communications with the former President's representatives throughout 2021 about what appeared to be missing presidential records, which resulted in the transfer of 15 boxes of records to NARA in January 2022. In its initial review of materials within those boxes, NARA identified items marked as classified national security information, at least up to the level of TS/SCI. NARA informed the Department of Justice about that discovery, which prompted the Department to ask the President to request access to the boxes at issue from NARA so that they could be examined. On April 11, 2022, the White House Counsel's Office—affirming a request from the Department of Justice supported by an FBI letterhead memorandum—formally transmitted a request that NARA provide the FBI with access, within seven days, to the 15 boxes that NARA received from Mar-a-Lago, for purposes of the FBI's review of those boxes.

Although the Presidential Records Act (PRA) generally imposes limits on access to presidential records in NARA's custody, the statute further provides that, "subject to any rights, defenses, or privileges which the United States or any agency or person may invoke," such records "shall be made available to an incumbent President if such records contain information that is needed for the conduct of current business of the incumbent President's office and that is not otherwise available." 44 U.S.C. § 2205(2)(B). Those conditions are satisfied here. As the Department of Justice's National Security Division explained to you on April 29, 2022:

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.

Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

We advised you in writing on April 12 that, “in light of the urgency of this request,” we planned to “provid[e] access to the FBI next week,” i.e., the week of April 18. *See* E.O. 13489, § 2(b) (providing a 30-day default before disclosure but authorizing the Archivist to indicate in the notice to disclose that “a shorter period of time is required under the circumstances”); *accord* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”). In response to a request from another representative of the former President, the White House Counsel’s Office acquiesced in an extension of the production date to April 29, and so advised NARA. In accord with that agreement, I had not yet provided the FBI with access to the records when I received your letter on April 29.

Notwithstanding the urgency conveyed by the Department of Justice and the reasonable extension afforded to the former President, your April 29 letter seeks additional time for you to review the materials in the boxes in order “to ascertain whether any specific document is subject to privilege” and then to consult with the former President “so that he may personally make any decision to assert a claim of constitutionally based privilege.” Your April 29 letter further states that in the event I do not afford you further time to review the records before I disclose them in response to the request, I should consider your letter to be “a protective assertion of executive privilege made by counsel for the former President.”

The Counsel to the President has informed me that President Biden defers to the views of the Department of Justice, and thus does not intend to make an independent determination, regarding whether or not to “uphold” the former President’s purported “protective assertion of executive privilege.” *See* 36 C.F.R. § 1270.44(f)(3). Accordingly, I have consulted with the Assistant Attorney General for the Office of Legal Counsel and the Counsel to the President to inform my “determination as to whether to honor the former President’s claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege.” Exec. Order 13489, § 4(a).

The Assistant Attorney General has advised me that there is no established precedent supporting the view that a former President may successfully assert executive privilege *against an incumbent President* to prevent the latter from obtaining from NARA presidential records belonging to the Federal Government where “such records contain information that is needed for the conduct of current business of the incumbent President’s office and that is not otherwise available.” 44 U.S.C. § 2205(2)(B). To the contrary, the Supreme Court’s decision in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), strongly suggests that a former President may not successfully assert executive privilege “against the very Executive Branch in whose name the privilege is invoked.” *Id.* at 447-48.

In *Nixon v. GSA*, the Court rejected a former President’s argument that a statute requiring that presidential records be maintained in the custody of, and screened by, NARA’s predecessor—a “very limited intrusion by personnel in the Executive Branch sensitive to executive concerns”—would “impermissibly interfere with candid communication of views by

Presidential advisers.” *Id.* at 451. The Court specifically noted that an incumbent President “should not be dependent on happenstance or the whim of a prior President when he seeks access to records of past decisions that define or channel current governmental obligations.” *Id.* at 452; *see also id.* at 441-46 (rejecting a separation-of-powers challenge to a provision of a federal statute governing the disposition of former President Nixon’s tape recordings, papers, and other historical materials “within the Executive Branch,” where the “employees of that branch [would] have access to the materials only ‘for lawful Government use’”; and noting that because “[t]he Executive Branch remains in full control of the Presidential materials, and the Act facially is designed to ensure that the materials can be released only when release is not barred by some applicable privilege inherent in that branch,” ... “nothing contained in the Act renders it unduly disruptive of the Executive Branch”).

It is not necessary that I decide whether there might be *any* circumstances in which a former President could successfully assert a claim of executive privilege to prevent an Executive Branch agency from having access to Presidential records for the performance of valid executive functions. The question in this case is not a close one. The Executive Branch here is seeking access to records belonging to, and in the custody of, the Federal Government itself, not only in order to investigate whether any possible criminal offenses were committed but also to “conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.” These reviews will be conducted by current government personnel who, like the archival officials in *Nixon v. GSA*, are “sensitive to executive concerns.” *Id.* at 451. And on the other side of the balance, there is no reason to believe such reviews could “adversely affect the ability of future Presidents to obtain the candid advice necessary for effective decisionmaking.” *Id.* at 450. To the contrary: Conducting an assessment of the way in which classified information was handled and taking any necessary remedial action is itself essential to preserving the ability of future Presidents to “receive the full and frank submissions of facts and opinions upon which effective discharge of [their] duties depends.” *Id.* at 449.

Because an assertion of executive privilege against the incumbent President under these circumstances would not be viable, it follows that there is also no basis for the former President to make a so-called “protective assertion of executive privilege,” which the Assistant Attorney General informs me has never been made outside the context of a congressional demand for information from the Executive branch. Even assuming for the sake of argument that a former President may under some circumstances make such a “protective assertion of executive privilege” to preclude the Archivist from complying with a disclosure otherwise prescribed by 44 U.S.C. § 2205(2), there is no predicate for such a “protective” assertion where there is no realistic basis that the requested delay would result in a viable assertion of executive privilege against the incumbent President that would prevent disclosure of records for the purposes of the reviews described above.

Accordingly, I have determined that it would be inappropriate for me to honor the former President’s “protective” claim of privilege. E.O. 13489, § 4(a); *see also* 36 C.F.R. 1270.44(f)(3) (providing that unless the incumbent President “uphold[s]” the claim asserted by the former President, “the Archivist discloses the Presidential record”). For the same reasons, I have concluded that there is no reason for further delay. Accordingly, I will provide the FBI access to

DRAFT: Attorney-Client, Attorney Work Product, Deliberative

the records in question, as requested by the incumbent President, beginning on ____, May ____, 2022.

Please note that, in accordance with the PRA, 44 U.S.C. § 2205(3), the former President's designated representatives can review the records before or after that date, subject to obtaining the appropriate level of security clearance.

Sincerely,

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 05/04/2022 01:18:27 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: Debra Wall <debra.wall@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Laster, John <john.laster@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: Special Access Request
Attachments: Letter to Evan Corcoran re Trump Boxes.draft.2.05.04.2022 WJB.docx Letter to Evan Corcoran re Trump Boxes.draft.2.05.04.2022 WJB.docx

Gary,

So - all SCI is SAP but not all SAP is SCI. The letter uses both terms, first by referencing TS/SCI and later by SAP. I have made a suggested edits to address this - by pointing to the criteria in section 5.4 of E.O. 13526 (which applies to both SCI and SAP) and which I think makes the point more clear that this is not "normal" classified information.

I would also suggest that the Government make the point that the national security implications and the need to assess any potential damage outweigh other provisions of law, but defer to you.

Jay

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15bRR002526

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It is not necessary that I decide whether there might be *any* circumstances in which a former President could successfully assert a claim of executive privilege to prevent an Executive Branch agency from having access to Presidential records for the performance of valid executive functions. The question in this case is not a close one. The Executive Branch here is seeking access to records belonging to, and in the custody of, the Federal Government itself, not only in order to investigate whether any possible criminal offenses were committed but also to “conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.” These reviews will be conducted by current government personnel who, like the archival officials in *Nixon v. GSA*, are “sensitive to executive concerns.” *Id.* at 451. And on the other side of the balance, there is no reason to believe such reviews could “adversely affect the ability of future Presidents to obtain the candid advice necessary for effective decisionmaking.” *Id.* at 450. To the contrary: Conducting an assessment of the way in which classified information was handled and taking any necessary remedial action is itself essential to preserving the ability of future Presidents to “receive the full and frank submissions of facts and opinions upon which effective discharge of [their] duties depends.” *Id.* at 449.

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Letter to Evan Corcoran re Trump Boxes.draft.2.05.04.2022 WJB.docx

DRAFT: Attorney-Client, Attorney Work Product, Deliberative

Accordingly, I have determined that it would be inappropriate for me to honor the former President's "protective" claim of privilege. E.O. 13489, § 4(a); *see also* 36 C.F.R. 1270.44(f)(3) (providing that unless the incumbent President "uphold[s]" the claim asserted by the former President, "the Archivist discloses the Presidential record"). For the same reasons, I have concluded that there is no reason for further delay. Accordingly, I will provide the FBI access to the records in question, as requested by the incumbent President, beginning on ____, May ____, 2022.

Please note that, in accordance with the PRA, 44 U.S.C. § 2205(3), the former President's designated representatives can review the records before or after that date, subject to obtaining the appropriate level of security clearance.

Sincerely,

DATE

Evan Corcoran
Silverman Thompson
400 East Pratt Street
Suite 900
Baltimore, MD 21202
By Email

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I write in response to your letters of April 29, 2022, and May 1, 2022, requesting that I further delay my disclosure to the Federal Bureau of Investigation (FBI) of the records that were the subject of our April 12, 2022 notification to an authorized representative of the former President.

As you are no doubt aware, NARA had ongoing communications with the former President's representatives throughout 2021 about what appeared to be missing presidential records, which resulted in the transfer of 15 boxes of records to NARA in January 2022. In its initial review of materials within those boxes, NARA identified items marked as classified national security information, at the level of Top Secret and to include information further restricted as the vulnerability of, or threat to, the specific information was exceptional; and the normal criteria for determining eligibility for access applicable to information classified Top Secret were not deemed sufficient to protect the information from unauthorized disclosure. NARA informed the Department of Justice about that discovery, which prompted the Department to ask the President to request access to the boxes at issue from NARA so that they could be examined. On April 11, 2022, the White House Counsel's Office—affirming a request from the Department of Justice supported by an FBI letterhead memorandum—formally transmitted a request that NARA provide the FBI with access, within seven days, to the 15 boxes that NARA received from Mar-a-Lago, for purposes of the FBI's review of those boxes.

Although the Presidential Records Act (PRA) generally imposes limits on access to presidential records in NARA's custody, the statute further provides that, "subject to any rights, defenses, or privileges which the United States or any agency or person may invoke," such records "shall be made available to an incumbent President if such records contain information that is needed for the conduct of current business of the incumbent President's office and that is not otherwise available." 44 U.S.C. § 2205(2)(B). Those conditions are satisfied here. As the Department of Justice's National Security Division explained to you on April 29, 2022:

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of

Letter to Evan Corcoran re Trump Boxes.draft.2.05.04.2022.WJB_0001.docx

our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

We advised you in writing on April 12 that, “in light of the urgency of this request,” we planned to “provid[e] access to the FBI next week,” i.e., the week of April 18. *See* E.O. 13489, § 2(b) (providing a 30-day default before disclosure but authorizing the Archivist to indicate in the notice to disclose that “a shorter period of time is required under the circumstances”); *accord* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”). In response to a request from another representative of the former President, the White House Counsel’s Office acquiesced in an extension of the production date to April 29, and so advised NARA. In accord with that agreement, I had not yet provided the FBI with access to the records when I received your letter on April 29.

Notwithstanding the urgency conveyed by the Department of Justice and the reasonable extension afforded to the former President, your April 29 letter seeks additional time for you to review the materials in the boxes in order “to ascertain whether any specific document is subject to privilege” and then to consult with the former President “so that he may personally make any decision to assert a claim of constitutionally based privilege.” Your April 29 letter further states that in the event I do not afford you further time to review the records before I disclose them in response to the request, I should consider your letter to be “a protective assertion of executive privilege made by counsel for the former President.”

The Counsel to the President has informed me that President Biden defers to the views of the Department of Justice, and thus does not intend to make an independent determination, regarding whether or not to “uphold” the former President’s purported “protective assertion of executive privilege.” *See* 36 C.F.R. § 1270.44(f)(3). Accordingly, I have consulted with the Assistant Attorney General for the Office of Legal Counsel and the Counsel to the President to inform my “determination as to whether to honor the former President’s claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege.” Exec. Order 13489, § 4(a).

The Assistant Attorney General has advised me that there is no established precedent supporting the view that a former President may successfully assert executive privilege *against an incumbent President* to prevent the latter from obtaining from NARA presidential records belonging to the Federal Government where “such records contain information that is needed for the conduct of current business of the incumbent President’s office and that is not otherwise available.” 44 U.S.C. § 2205(2)(B). To the contrary, the Supreme Court’s decision in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), strongly suggests that a former President may not successfully assert executive privilege “against the very Executive Branch in whose name the privilege is invoked.” *Id.* at 447-48.

Letter to Evan Corcoran re Trump Boxes.draft.2.05.04.2022 WJB_0001.docx

In *Nixon v. GSA*, the Court rejected a former President’s argument that a statute requiring that presidential records be maintained in the custody of, and screened by, NARA’s predecessor—a “very limited intrusion by personnel in the Executive Branch sensitive to executive concerns”—would “impermissibly interfere with candid communication of views by Presidential advisers.” *Id.* at 451. The Court specifically noted that an incumbent President “should not be dependent on happenstance or the whim of a prior President when he seeks access to records of past decisions that define or channel current governmental obligations.” *Id.* at 452; *see also id.* at 441-46 (rejecting a separation-of-powers challenge to a provision of a federal statute governing the disposition of former President Nixon’s tape recordings, papers, and other historical materials “within the Executive Branch,” where the “employees of that branch [would] have access to the materials only ‘for lawful Government use’”; and noting that because “[t]he Executive Branch remains in full control of the Presidential materials, and the Act facially is designed to ensure that the materials can be released only when release is not barred by some applicable privilege inherent in that branch,” ... “nothing contained in the Act renders it unduly disruptive of the Executive Branch”).

It is not necessary that I decide whether there might be *any* circumstances in which a former President could successfully assert a claim of executive privilege to prevent an Executive Branch agency from having access to Presidential records for the performance of valid executive functions. The question in this case is not a close one. The Executive Branch here is seeking access to records belonging to, and in the custody of, the Federal Government itself, not only in order to investigate whether any possible criminal offenses were committed but also to “conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.” These reviews will be conducted by current government personnel who, like the archival officials in *Nixon v. GSA*, are “sensitive to executive concerns.” *Id.* at 451. And on the other side of the balance, there is no reason to believe such reviews could “adversely affect the ability of future Presidents to obtain the candid advice necessary for effective decisionmaking.” *Id.* at 450. To the contrary: Conducting an assessment of the way in which classified information was handled and taking any necessary remedial action is itself essential to preserving the ability of future Presidents to “receive the full and frank submissions of facts and opinions upon which effective discharge of [their] duties depends.” *Id.* at 449.

Because an assertion of executive privilege against the incumbent President under these circumstances would not be viable, it follows that there is also no basis for the former President to make a so-called “protective assertion of executive privilege,” which the Assistant Attorney General informs me has never been made outside the context of a congressional demand for information from the Executive branch. Even assuming for the sake of argument that a former President may under some circumstances make such a “protective assertion of executive privilege” to preclude the Archivist from complying with a disclosure otherwise prescribed by 44 U.S.C. § 2205(2), there is no predicate for such a “protective” assertion where there is no realistic basis that the requested delay would result in a viable assertion of executive privilege against the incumbent President that would prevent disclosure of records for the purposes of the reviews described above.

DRAFT: Attorney-Client, Attorney Work Product, Deliberative

Accordingly, I have determined that it would be inappropriate for me to honor the former President's "protective" claim of privilege. E.O. 13489, § 4(a); *see also* 36 C.F.R. 1270.44(f)(3) (providing that unless the incumbent President "uphold[s]" the claim asserted by the former President, "the Archivist discloses the Presidential record"). For the same reasons, I have concluded that there is no reason for further delay. Accordingly, I will provide the FBI access to the records in question, as requested by the incumbent President, beginning on ____, May ____, 2022.

Please note that, in accordance with the PRA, 44 U.S.C. § 2205(3), the former President's designated representatives can review the records before or after that date, subject to obtaining the appropriate level of security clearance.

Sincerely,

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 05/04/2022 01:19:27 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: Debra Wall <debra.wall@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Laster, John <john.laster@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: Special Access Request

section 4.3 - not sure where I got 5.4 from!

On Wed, May 4, 2022 at 1:18 PM William Bosanko <william.bosanko@nara.gov> wrote:

Gary,

So - all SCI is SAP but not all SAP is SCI. The letter uses both terms, first by referencing TS/SCI and later by SAP. I have made a suggested edits to address this - by pointing to the criteria in section 5.4 of E.O. 13526 (which applies to both SCI and SAP) and which I think makes the point more clear that this is not "normal" classified information.

I would also suggest that the Government make the point that the national security implications and the need to assess any potential damage outweigh other provisions of law, but defer to you.

Jay

On Wed, May 4, 2022 at 11:03 AM Gary Stern <garym.stern@nara.gov> wrote:

Attached is the draft letter to the Trump Rep, which has been substantially revised by DOJ (with a few minor edits that I just made).

Next formal steps will be formal calls with OLC and WHC to finalize this process.

Please let me know if anyone has any comments or concerns with this approach.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 9:33 AM Gary Stern <garym.stern@nara.gov> wrote:

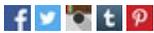
FYI, on Monday I sent a draft response letter to DOJ, who said they would get comments to me on Tuesday; but last night they said they are still working on it. I expect to get something back today that I can share with you, and there will likely need to be a formal consultation call with Deb, Dana, and OLC before we can send it out.

Let me know if you have any questions.

Thanks,
Gary

15bRR002537

Gary M. Stern
General Counsel
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301-837-0293 (fax)
garym.stern@nara.gov



On Sun, May 1, 2022 at 4:03 PM Gary Stern <garym.stern@nara.gov> wrote:

FYI, I will be meeting with DOJ first thing Monday morning to discuss this issue (including two additional letters I received from Trump's counsel today, which I will forward), and then will need to discuss with you.

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

On Fri, Apr 29, 2022, 6:22 PM Debra Wall <debra.wall@nara.gov> wrote:

No questions. Thanks.

On Fri, Apr 29, 2022 at 6:19 PM Gary Stern <garym.stern@nara.gov> wrote:

fyi, see attached letter from new counsel to President Trump, re the pending special access request from President Biden, on behalf of DOJ/FBI to review the 15 boxes. Recall that the per the Biden request, we gave the Trump reps a 7 day notification, which ran last Friday, but WHCO extended it to today. This letter comes after WHCO told the new reps that the WH would not further extent the notification period.

I have acknowledged receipt of the letter, and will confer further with WHCO and DOJ on Monday about next steps. (Note that executive privilege must be asserted personally by the former President, and that a blanket "protective assertion of executive privilege" is not a valid thing, particularly when being made by the representative/counsel to the former President.

Let me know if you have any questions.

Thanks,

Gary

Gary M. Stern
General Counsel
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: **Evan Corcoran** <(b) (6), (b) (7)(C)>

Date: Fri, Apr 29, 2022 at 5:55 PM

Subject: Special Access Request

To: GaryM Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, John Laster <john.laster@nara.gov>

Dear Mr. Stern:

Please see the attached correspondence.

As always, I am happy to discuss at your convenience.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/04/2022 03:13:19 PM
To: Laster, John <john.laster@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Fwd: Special Access Request (April 21, 2022) - Deadline

See email from Evan Corcoran re our 4/21 notification, which went to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), for the (b) (6), (b) (7)(C) notes. We gave them 7 days, which ran on 4/28, but did not produce the records yet. Evan has now asked for one more day, which I suppose at this point, there is no reason not to wait.

Let me know what you think?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Wed, May 4, 2022 at 3:06 PM
Subject: Special Access Request (April 21, 2022) - Deadline
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@who.eop.gov>, GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

(b) (6), (b) (7)(C) & Gary:

As you know, I was recently retained to represent former President Donald J. Trump in connection with the disclosure of certain Presidential records.

I understand that there is a pending Special Access Request (April 21, 2022) to NARA that involves hand-written notes of a White House staff member. I believe that I will be able to let you know tomorrow (Thursday, May 5, 2022) whether the former President will assert a constitutionally based privilege over any portion of those notes.

The timing of our response is based upon the following:

15bRR002540

- We have recently been retained as counsel and NARA representative for the former President; and
- It has taken several days to get up to speed in terms of the issues involved, the logistics of access to the electronic document systems, and client consultation.

I hope that this time frame is acceptable. As always, I am happy to discuss and provide additional information as needed.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/04/2022 04:05:34 PM
To: William Bosanko <william.bosanko@nara.gov>
Cc: Debra Wall <debra.wall@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Laster, John <john.laster@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: Special Access Request
Attachments: DOJ-NSD Jay Bratt Email to Evan Corcoran, 04.29.2022.pdf Letter to Evan Corcoran re Trump Boxes.draft.3-05.04.2022.docx

Here's the latest version of the letter, which incorporates my edits (with Jay's input) and a few more from DOJ. It is still pending WH review, and then AAOTUS/WHC/OLC consultation of some sort.

Also attached is the text of the email that Jay Bratt, from DOJ's National Security Division, sent to Evan Corcoran last Friday, which is quoted in our letter.

I'll keep you posted on further developments.

Thanks,
Gary

Gary M. Stern
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National Archives and Records Administration
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 1:19 PM William Bosanko <william.bosanko@nara.gov> wrote:
section 4.3 - not sure where I got 5.4 from!

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Gary,

So - all SCI is SAP but not all SAP is SCI. The letter uses both terms, first by referencing TS/SCI and later by SAP. I have made a suggested edits to address this - by pointing to the criteria in section 5.4 of E.O. 13526 (which applies to both SCI and SAP) and which I think makes the point more clear that this is not "normal" classified information.

I would also suggest that the Government make the point that the national security implications and the need to assess any potential damage outweigh other provisions of law, but defer to you.

Jay

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Attached is the draft letter to the Trump Rep, which has been substantially revised by DOJ (with a few minor edits that I just made).

Next formal steps will be formal calls with OLC and WHC to finalize this process.

Please let me know if anyone has any comments or concerns with this approach.

15bRR002542

Thanks,
Gary

Gary M. Stern
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Let me know if you have any questions.

Thanks,
Gary

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garym.stern@nara.gov



On Sun, May 1, 2022 at 4:03 PM Gary Stern <garym.stern@nara.gov> wrote:

FYI, I will be meeting with DOJ first thing Monday morning to discuss this issue (including two additional letters I received from Trump's counsel today, which I will forward), and then will need to discuss with you.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

On Fri, Apr 29, 2022, 6:22 PM Debra Wall <debra.wall@nara.gov> wrote:

15bRR002543

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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(b) (6), (b) (7)(C) | www.silvermanthompson.com



Gary Stern <garym.stern@nara.gov>

Email to Evan Corcoran

1 message

Bratt, Jay (NSD) <Jay.Bratt2@usdoj.gov>
To: Gary Stern <garym.stern@nara.gov>

Wed, May 4, 2022 at 1:39 PM

Gary:

Below is the text of the email I sent to Evan Corcoran last Friday, 4/29.

Jay

Evan:

Before our call, I'd like to offer some thoughts for your consideration.

As I am sure you are aware, following multiple granted extension requests, there is a 5pm deadline today for any privilege assertions relating to documents in the fifteen boxes of materials that your client and his representatives turned over to NARA earlier this year. I realize you have just begun your representation in this matter, but I wanted to give you some information for your awareness as you decide any next steps.

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

I look forward to speaking later.

15bRR002546

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

[950 Pennsylvania Avenue, NW](#)

[Washington, D.C. 20530](#)

(b) (6), (b) (7)(C)

jay.bratt2@usdoj.gov

DATE

Evan Corcoran
Silverman Thompson
400 East Pratt Street
Suite 900
Baltimore, MD 21202
By Email

Dear Mr. Corcoran:

I write in response to your letters of April 29, 2022, and May 1, 2022, requesting that I further delay the disclosure to the Federal Bureau of Investigation of the records that were the subject of our April 12, 2022 notification to another authorized representative of former President Trump.

As you are no doubt aware, the National Archives and Records Administration had ongoing communications with the former President's representatives throughout 2021 about what appeared to be missing Presidential records, which resulted in the transfer of 15 boxes of records to NARA in January 2022. In its initial review of materials within those boxes, NARA identified items marked as classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information (SCI) and Special Access Program (SAP) materials. NARA informed the Department of Justice about that discovery, which prompted the Department to ask the President to request access to the boxes from NARA so that the FBI could examine them. On April 11, 2022, the White House Counsel's Office—affirming a request from the Department of Justice supported by an FBI letterhead memorandum—formally transmitted a request that NARA provide the FBI with access, within seven days, to the 15 boxes for purposes of the FBI's review.

Although the Presidential Records Act (PRA) generally restricts access to Presidential records in NARA's custody, the statute further provides that, "subject to any rights, defenses, or privileges which the United States or any agency or person may invoke," such records "shall be made available . . . to an incumbent President if such records contain information that is needed for the conduct of current business of the incumbent President's office and that is not otherwise available." 44 U.S.C. § 2205(2)(B). Those conditions are satisfied here. As the Department of Justice's National Security Division explained to you on April 29, 2022:

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including [SAP] materials. Access to the materials is not only necessary for purposes of our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and

transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

We advised you in writing on April 12 that, “in light of the urgency of this request,” we planned to “provid[e] access to the FBI next week,” i.e., the week of April 18. *See* Exec. Order No. 13,489, § 2(b), 74 Fed. Reg. 4,669 (Jan. 21, 2009) (providing a 30-day default before disclosure but authorizing the Archivist to specify “a shorter period of time” if “required under the circumstances”); *accord* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”). In response to a request from another representative of the former President, the White House Counsel’s Office acquiesced in an extension of the production date to April 29, and so advised NARA. In accord with that agreement, I had not yet provided the FBI with access to the records when I received your letter on April 29.

Notwithstanding the urgency conveyed by the Department of Justice and the reasonable extension afforded to the former President, your April 29 letter seeks additional time for you to review the materials in the boxes “in order to ascertain whether any specific document is subject to privilege,” and then to consult with the former President “so that he may personally make any decision to assert a claim of constitutionally based privilege.” Your April 29 letter further states that in the event that we do not afford you further time to review the records before NARA discloses them in response to the request, we should consider your letter to be “a protective assertion of executive privilege made by counsel for the former President.”

The Counsel to the President has informed me that President Biden defers to the views of the Department of Justice, and thus does not intend to make an independent determination, regarding whether or not to uphold the former President’s purported “protective assertion of executive privilege.” *See* 36 C.F.R. § 1270.44(f)(3). Accordingly, I have consulted with the Assistant Attorney General for the Office of Legal Counsel and the Counsel to the President to inform my “determination as to whether to honor the former President’s claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege.” Exec. Order No. 13,489, § 4(a).

The Assistant Attorney General has advised me that there is no established precedent supporting the view that a former President may successfully assert executive privilege *against an incumbent President* to prevent the latter from obtaining from NARA Presidential records belonging to the Federal Government where “such records contain information that is needed for the conduct of current business of the incumbent President’s office and that is not otherwise available.” 44 U.S.C. § 2205(2)(B). To the contrary, the Supreme Court’s decision in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), strongly suggests that a former President may not successfully assert executive privilege “against the very Executive Branch in whose name the privilege is invoked.” *Id.* at 447-48.

In *Nixon v. GSA*, the Court rejected former President Nixon’s argument that a statute requiring that Presidential records from his term in office be maintained in the custody of, and screened by, NARA’s predecessor agency—a “very limited intrusion by personnel in the

Executive Branch sensitive to executive concerns”—would “impermissibly interfere with candid communication of views by Presidential advisers.” *Id.* at 451; *see also id.* at 455 (rejecting the claim). The Court specifically noted that an “incumbent President should not be dependent on happenstance or the whim of a prior President when he seeks access to records of past decisions that define or channel current governmental obligations.” *Id.* at 452; *see also id.* at 441-46 (emphasizing, in the course of rejecting a separation-of-powers challenge to a provision of a federal statute governing the disposition of former President Nixon’s tape recordings, papers, and other historical materials “within the Executive Branch,” where the “employees of that branch [would] have access to the materials only ‘for lawful Government use,’” that “[t]he Executive Branch remains in full control of the Presidential materials, and the Act facially is designed to ensure that the materials can be released only when release is not barred by some applicable privilege inherent in that branch”; and concluding that “nothing contained in the Act renders it unduly disruptive of the Executive Branch”).

It is not necessary that I decide whether there might be *any* circumstances in which a former President could successfully assert a claim of executive privilege to prevent an Executive Branch agency from having access to Presidential records for the performance of valid executive functions. The question in this case is not a close one. The Executive Branch here is seeking access to records belonging to, and in the custody of, the Federal Government itself, not only in order to investigate whether any possible criminal offenses were committed but also, as the National Security Division explained to you, to “conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.” These reviews will be conducted by current government personnel who, like the archival officials in *Nixon v. GSA*, are “sensitive to executive concerns.” *Id.* at 451. And on the other side of the balance, there is no reason to believe such reviews could “adversely affect the ability of future Presidents to obtain the candid advice necessary for effective decisionmaking.” *Id.* at 450. To the contrary: Conducting an assessment of the way in which classified information was handled and taking any necessary remedial action is itself essential to preserving the ability of future Presidents to “receive the full and frank submissions of facts and opinions upon which effective discharge of [their] duties depends.” *Id.* at 449.

Because an assertion of executive privilege against the incumbent President under these circumstances would not be viable, it follows that there is no basis for the former President to make a “protective assertion of executive privilege,” which the Assistant Attorney General informs me has never been made outside the context of a congressional demand for information from the Executive Branch. Even assuming for the sake of argument that a former President may under some circumstances make such a “protective assertion of executive privilege” to preclude the Archivist from complying with a disclosure otherwise prescribed by 44 U.S.C. § 2205(2), there is no predicate for such a “protective” assertion where there is no realistic basis that the requested delay would result in a viable assertion of executive privilege against the incumbent President that would prevent disclosure of records for the purposes of the reviews described above.

Accordingly, I have determined that it would be inappropriate for me to honor the former President’s “protective” claim of privilege. *See* Exec. Order No. 13,489, § 4(a); *see also* 36 C.F.R. 1270.44(f)(3) (providing that unless the incumbent President “uphold[s]” the claim

DRAFT: Attorney-Client, Attorney Work Product, Deliberative

asserted by the former President, “the Archivist discloses the Presidential record”). For the same reasons, I have concluded that there is no reason for further delay. Accordingly, I will provide the FBI access to the records in question, as requested by the incumbent President, beginning on Monday, May 9, 2022.

Please note that, in accordance with the PRA, 44 U.S.C. § 2205(3), the former President’s designated representatives can review the records, subject to obtaining the appropriate level of security clearance.

Sincerely,

From: Debra Wall <debra.wall@nara.gov>
Sent time: 05/04/2022 04:15:47 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: Re: Special Access Request

Thanks.

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Also attached is the text of the email that Jay Bratt, from DOJ's National Security Division, sent to Evan Corcoran last Friday, which is quoted in our letter.

I'll keep you posted on further developments.

Thanks,
Gary

Gary M. Stern
General Counsel
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15bRR002552

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15bRR002553

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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General Counsel

15bRR002557

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15bRR002560

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15bRR002561

garym.stern@nara.gov



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15bPR002562

Partner



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----- Forwarded message -----

From: **Evan Corcoran** <(b) (6), (b) (7)(C)>
 Date: Fri, Apr 29, 2022 at 5:55 PM
 Subject: Special Access Request
 To: GaryM Stern <garym.stern@nara.gov>
 Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, John Laster <john.laster@nara.gov>

Dear Mr. Stern:

Please see the attached correspondence.

As always, I am happy to discuss at your convenience.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 1:19 PM William Bosanko <william.bosanko@nara.gov> wrote:
section 4.3 - not sure where I got 5.4 from!

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I would also suggest that the Government make the point that the national security implications and the need to assess any potential damage outweigh other provisions of law, but defer to you.

Jay

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Attached is the draft letter to the Trump Rep, which has been substantially revised by DOJ (with a few minor edits that I just made).

Next formal steps will be formal calls with OLC and WHC to finalize this process.

Please let me know if anyone has any comments or concerns with this approach.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

15bRR002570

8601 Adelphi Road
College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov



On Wed, May 4, 2022 at 9:33 AM Gary Stern <garym.stern@nara.gov> wrote:

FYI, on Monday I sent a draft response letter to DOJ, who said they would get comments to me on Tuesday; but last night they said they are still working on it. I expect to get something back today that I can share with you, and there will likely need to be a formal consultation call with Deb, Dana, and OLC before we can send it out.

Let me know if you have any questions.

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740

(b) (6), (b) (7)(C) (cell)

301-837-3026 (office)

301-837-0293 (fax)

garym.stern@nara.gov



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Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

On Fri, Apr 29, 2022, 6:22 PM Debra Wall <debra.wall@nara.gov> wrote:

No questions. Thanks.

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fyi, see attached letter from new counsel to President Trump, re the pending special access request from President Biden, on behalf of DOJ/FBI to review the 15 boxes. Recall that the per the Biden request, we gave the Trump reps a 7 day notification, which ran last Friday, but WHCO extended it to today. This letter comes after WHCO

15bPR002571e

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/05/2022 11:11:38 AM
To: Debra Wall <debra.wall@nara.gov>
Subject: Re: Special Access Request

Still no word back from DOJ on the letter.

Gary M. Stern
General Counsel
National Archives and Records Administration

On Wed, May 4, 2022, 5:13 PM Debra Wall <debra.wall@nara.gov> wrote:

Yes I'm available. If you put it on letterhead I can insert my signature. Then I'll cc exec sec so they have a copy.

On Wed, May 4, 2022 at 4:52 PM Gary Stern <garym.stern@nara.gov> wrote:

I'm not sure if or when we will hear back from WH or DOJ today. Would you be available after hours to sign the letter, if necessary? Does ExecSec need to do it for you, or can you or I put it on letterhead for you to sign?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 4:16 PM Debra Wall <debra.wall@nara.gov> wrote:

Thanks.

On Wed, May 4, 2022 at 4:06 PM Gary Stern <garym.stern@nara.gov> wrote:

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Also attached is the text of the email that Jay Bratt, from DOJ's National Security Division, sent to Evan Corcoran last Friday, which is quoted in our letter.

I'll keep you posted on further developments.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road

15bRR002574

College Park, MD 20740

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301-837-3026 (office)

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garym.stern@nara.gov



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Gary M. Stern
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College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



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FYI, on Monday I sent a draft response letter to DOJ, who said they would get comments to me on Tuesday; but last

15bRR002575

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Let me know if you have any questions.

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Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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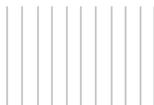
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Let me know if you have any questions.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

15bRR002576



(b) (6), (b) (7)(C)

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From: Debra Wall <debra.wall@nara.gov>
Sent time: 05/05/2022 11:18:21 AM
To: Gary Stern <garym.stern@nara.gov>
Subject: Re: Special Access Request

Thanks.

On Thu, May 5, 2022 at 11:11 AM Gary Stern <garym.stern@nara.gov> wrote:
Still no word back from DOJ on the letter.

Gary M. Stern
General Counsel
National Archives and Records Administration

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Also attached is the text of the email that Jay Bratt, from DOJ's National Security Division, sent to Evan Corcoran last Friday, which is quoted in our letter.

I'll keep you posted on further developments.

Thanks,
Gary

15bRR002579

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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Let me know if you have any questions.

Thanks,
Gary

Gary M. Stern

15bRR002581

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

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2022-05-05 NARA Letter.pdf

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

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Facsimile (b) (6), (b) (7)(C)
silvermanthompson.com
Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:

Evan Corcoran

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

May 5, 2022

Via Electronic Mail

Mr. Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: April 11, 2022, Special Access Request From Incumbent Administration

Dear Mr. Stern:

I write to offer a proposal to speed review by representatives of former President Donald J. Trump of the 15 boxes of Presidential documents subject to the April 11, 2022, special access request made by incumbent President Joseph R. Biden Jr. on behalf of the U.S. Department of Justice.

As I understand the circumstances, NARA has set ground rules for the review as follows:

- Although NARA has in the past scanned Presidential documents so that they can be reviewed remotely, these specific documents have not been digitized and must be reviewed in person in a sensitive compartmented information facility (SCIF) located at 700 Pennsylvania Avenue, NW, Washington, DC;
- In order to be granted access to review any classified documents, a representative of the former President must have an active security clearance at a level commensurate with those specific documents;
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Mr. Gary M. Stern
May 5, 2022
Page Two

I have two proposals that would speed review. First, I propose that there be three representatives of the former President involved in the review. Emma Mulford, my associate, and I would review all documents that are not marked classified. Another representative – yet-to-be identified – would review classified documents.

Second, I propose that we receive two versions of the NARA index to these documents. One version would be redacted to the satisfaction of officials at the U.S. Department of Justice. That version would be provided to Emma Mulford and me. We would be able to keep that redacted version of the index. The second version, unredacted, would be provided to the yet-to-be identified representative of the former President (who possesses an active security clearance), on a “read only” basis during his or her review of the documents.

I hope that these ideas are helpful to your consideration of the logistics involved. Our goal is to move expeditiously to complete review of these documents in a timely manner once we have a team of representatives who are granted access to the documents. We also understand and appreciate the need to accommodate the interests of other stakeholders involved.

Thank you for considering this request.

With best regards,



M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
The White House
via electronic mail

Mr. Jay Bratt
Chief, Counterintelligence and
Export Control Section
U.S. Department of Justice
via electronic mail

(b) (6), (b) (7)(C)
via electronic mail

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/05/2022 05:11:54 PM
To: Laster, John <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Cc: Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Fwd: Special access request for Trump Presidential records

John (b) (6), the 8 pages from this notification are now cleared to provide to DOJ. The contact person there is Jay Bratt, at Jay.Bratt2@usdoj.gov

Please let me know if it would be easier for me/Hannah to provide the records to DOJ?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: John Laster <john.laster@nara.gov>
Date: Thu, Apr 21, 2022 at 4:14 PM
Subject: Special access request for Trump Presidential records
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> <(b) (6), (b) (7)(C)>
Cc: GaryM Stern <garym.stern@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C):

In accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§ 2201-2209, Executive Order 13489, and NARA's regulations at 36 C.F.R. 1270.44, the White House has requested, on behalf of the Department of Justice and the FBI, access to eight pages of Trump Presidential records from the files of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), that concern records related to boxes that were recently shipped from Mar-a-Lago to NARA.

(b) (6), (b) (7)(C) please note that these eight pages were included in the Trump Presidential records that you approved us to provide to (b) (6), (b) (7)(C) in response to a special access request from the Biden Administration (September 15, 2021 email from you to (b) (6), (b) (7)(C))

Each of you will shortly receive a link from me to download the requested records. The password is 6b62YCGC.

Executive Order 13489 and NARA's regulations establish a 30 calendar day review period. However, in light of the stated urgency of this matter, we request that you complete your review in seven calendar days.

Please let me know if you have any questions.

15bRR002588

John

--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

From: Susan Donius <susan.donius@nara.gov>
Sent time: 05/05/2022 06:09:20 PM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Fwd: April 11, 2022 Special Access Request
Attachments: 2022-05-05 NARA Letter.pdf

----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Thu, May 5, 2022 at 4:41 PM
Subject: Fwd: April 11, 2022 Special Access Request
To: Wall, Debra <debra.wall@nara.gov>, Bosanko, William <william.bosanko@nara.gov>, Donius, Susan <susan.donius@nara.gov>
Cc: Laster, John <john.laster@nara.gov>, Hannah Bergman <Hannah.Bergman@nara.gov>

Even as we are waiting for clearance on our letter back to Evan, he just sent this new letter outlining a new approach for them to review the boxes.

I defer to Jay and John on whether we could even let uncleared persons in the SCIF to review just the unclassified documents in the boxes -- isn't the answer no?

In any event, our pending letter back will presumably still say that there is no executive privilege for them to assert in this context, and the FBI review will therefore almost certainly commence next week -- such that this proposal will essentially be moot and OBE.

Evan's letter also tries to address the issue of providing them a sanitized version of the inventory, which I don't think DOJ will agree to.

I will continue to keep you posted.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Thu, May 5, 2022 at 4:27 PM
Subject: April 11, 2022 Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov; (b) (6), (b) (7)(C)

15bRR002590

<(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov
<Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) John Laster
<john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

--

Susan K. Donius

Executive, Legislative Archives, Presidential Libraries and Museum Services

(202) 357-7451 (o)

2022-05-05 NARA Letter.pdf

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

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silvermanthompson.com
Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:

Evan Corcoran

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

May 5, 2022

Via Electronic Mail

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General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

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I hope that these ideas are helpful to your consideration of the logistics involved. Our goal is to move expeditiously to complete review of these documents in a timely manner once we have a team of representatives who are granted access to the documents. We also understand and appreciate the need to accommodate the interests of other stakeholders involved.

Thank you for considering this request.

With best regards,



M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
The White House
via electronic mail

Mr. Jay Bratt
Chief, Counterintelligence and
Export Control Section
U.S. Department of Justice
via electronic mail

(b) (6), (b) (7)(C)
via electronic mail

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 05/06/2022 07:48:41 AM
To: Gary Stern <garym.stern@nara.gov>
Cc: Wall, Debra <debra.wall@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Laster, John <john.laster@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: April 11, 2022 Special Access Request

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I do not think we care about the index - defer to DOJ/FBI.

On Thu, May 5, 2022 at 4:41 PM Gary Stern <garym.stern@nara.gov> wrote:

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Evan's letter also tries to address the issue of providing them a sanitized version of the inventory, which I don't think DOJ will agree to.

I will continue to keep you posted.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Thu, May 5, 2022 at 4:27 PM

15bRR002594

Subject: April 11, 2022 Special Access Request

To: GaryM Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) > (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) > John Laster <john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Susan Donius <susan.donius@nara.gov>
Sent time: 05/06/2022 08:14:07 AM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)nara.gov>
Subject: Fwd: April 11, 2022 Special Access Request

Isn't this something (b) (6) should be aware of and weighing in on?

----- Forwarded message -----

From: William Bosanko <william.bosanko@nara.gov>
Date: Fri, May 6, 2022 at 7:48 AM
Subject: Re: April 11, 2022 Special Access Request
To: Gary Stern <garym.stern@nara.gov>
Cc: Wall, Debra <debra.wall@nara.gov>, Donius, Susan <susan.donius@nara.gov>, Laster, John <john.laster@nara.gov>, Hannah Bergman <Hannah.Bergman@nara.gov>

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I will continue to keep you posted.

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Gary

Gary M. Stern
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(b) (6), (b) (7)(C) (cell)
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garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>

Date: Thu, May 5, 2022 at 4:27 PM

Subject: April 11, 2022 Special Access Request

To: GaryM Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C)

<(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov

<Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) > (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) John Laster

<john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

Evan

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Partner



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(b) (6), (b) (7)(C) | www.silvermanthompson.com

Susan K. Donius
Executive, Legislative Archives, Presidential Libraries and Museum Services
(202) 357-7451 (o)

We have (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) on the schedule for tomorrow if they're needed.

Bill

On Wed, Apr 20, 2022 at 4:54 PM Gary Stern <garym.stern@nara.gov> wrote:

Thanks Bill, (b) (6), (b) (7)(C) -- but please note that so far, nothing is scheduled, so please do not come to A1 on Thursday morning, unless you hear something more from us.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
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College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, Apr 20, 2022 at 3:44 PM William Fischer <william.fischer@nara.gov> wrote:

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are available tomorrow, but they'll need to know soon in order to make plans for the morning. We're still trying to sort out a schedule for Friday.

I'm also adding (b) (6), (b) (7)(C) to this thread.

Bill

On Wed, Apr 20, 2022 at 2:24 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, et al., there's a growing chance now that we will need two people either or both tomorrow and/or Friday, and at least one may need to stay until 5:00 each day.

But it also all remains uncertain and fluid at the moment.

Thanks,
Gary

Gary M. Stern
General Counsel
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College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov





On Tue, Apr 19, 2022 at 9:21 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, there's a reasonable chance that we may need one person to assist John L. in monitoring the Trump reps on Thursday and/or Friday. We will keep you posted as to whether and when it might be happening. (fyi, John L. and I plan to cover if it take place tomorrow afternoon or Thursday morning, but if later, then we will likely need one of your staff to help.)

Thanks,
Gary

Gary M. Stern
General Counsel
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301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 11:20 AM William Fischer <william.fischer@nara.gov> wrote:

Hi Gary,

(b) (6), (b) (7)(C) will be your contact tomorrow (4/15) and Monday (4/18) if you need to schedule any NDC monitors. The rest of us will be taking leave. (b) (6), (b) (7)(C) is copied.

Bill

On Tue, Apr 12, 2022 at 2:55 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, et al., just to clarify, we do not yet have a time scheduled when we will need your help monitoring the review of the boxes by the Trump reps or the FBI. We will let you know when we need it, which could be later this week, but might not be until next week.

We will keep you posted.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 12:35 PM William Fischer <william.fischer@nara.gov> wrote:

John,

We're creating a spreadsheet of NDC staff with TS/SCI clearances who are available to assist you with monitoring the visitors who will be reviewing the Trump files over the coming days. I asked the managers to have the spreadsheet completed by COB today.

When the NDC staff arrive, they'll need an introduction to the rules and procedures to follow. Most, if not all, will also be taking the shuttle, so the earliest they can start will probably be 9:00 a.m. They may also have to be on the 4:00 shuttle leaving AI in the afternoons.

I'll share the spreadsheet when it's updated.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

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Email: William.Fischer@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/06/2022 09:22:30 AM
To: Debra Wall <debra.wall@nara.gov>
Cc: William Bosanko <william.bosanko@nara.gov>; John Valceanu <john.valceanu@nara.gov>; Stanwich, Maria <maria.stanwich@nara.gov>; Laster, John <john.laster@nara.gov>; Hamilton, John <john.hamilton@nara.gov>
Subject: Re: Interesting Take on Things

This could well be Trump's position/defense, i.e., that he did, or thought he had, declassified all of the documents that are in the boxes, but that his staff failed to mark them as such.

None of the Trump representatives have suggested that to us. It is now for DOJ/FBI to figure out what happened.

Gary M. Stern
General Counsel
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Fri, May 6, 2022 at 9:15 AM Debra Wall <debra.wall@nara.gov> wrote:

<https://www.breitbart.com/politics/2022/05/05/documents-mar-a-lago-marked-classified-were-already-declassified-kash-patel-says/>

Patel said he does not believe NARA spoke to anyone at the Trump White House to see if the documents were declassified, and now will not release the documents to the American public as Trump had intended.

“They are not a classification authority. I don’t believe they have unilateral authority to reclassify something the president declassified. They are the holder of records,” he said

...

As to whether Democrats may try to selectively release material and claim Trump tried to hide certain things, Patel said, “The irony is that he didn’t try to hide any of it. He declassified all of it so there’s nothing to hide.”

“If they selectively leak stuff — and given this week’s Supreme Court leak, you can’t put it past anyone at the NARA or Congress who might have some of these documents and leak them to advance a false political narrative,” he said.

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 05/06/2022 09:28:13 AM
To: Debra Wall <debra.wall@nara.gov>
Cc: John Valceanu <john.valceanu@nara.gov>; Stanwich, Maria <maria.stanwich@nara.gov>; Laster, John <john.laster@nara.gov>; Stern, GaryM <garym.stern@nara.gov>; Hamilton, John <john.hamilton@nara.gov>
Subject: Re: Interesting Take on Things

Nope. Declassification is a formal act - absent a piece of documentation formally taking that action or the markings required under the EO and CFR (so as to leave no doubt as to the classification status), then he did not declassify them. And, I do not believe that WH Counsel normally applies the markings (but do not know that for certain.)

We are not an OCA, but D/ISOO is.

But, he fails to note that the EO and the CFR require NARA to treat this material as classified in these circumstances....we have no discretion.

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From: John Laster <john.laster@nara.gov>
Sent time: 05/06/2022 10:06:28 AM
To: William Bosanko <william.bosanko@nara.gov>
Cc: Gary Stern <garym.stern@nara.gov>; Wall, Debra <debra.wall@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>
Subject: Re: April 11, 2022 Special Access Request

I agree with Jay that it would be very difficult to monitor such a review, especially given the way the material is placed in the boxes.

John

On Fri, May 6, 2022 at 7:48 AM William Bosanko <william.bosanko@nara.gov> wrote:

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Thanks,
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garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>

Date: Thu, May 5, 2022 at 4:27 PM

Subject: April 11, 2022 Special Access Request

To: GaryM Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C)

<(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov

<Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) John

Laster <john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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--

John Laster

Director, White House Liaison Division

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

15bRR002606

From: John Laster <john.laster@nara.gov>
Sent time: 05/06/2022 10:33:51 AM
To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Fwd: April 11, 2022 Special Access Request
Attachments: 2022-05-05 NARA Letter.pdf

----- Forwarded message -----

From: Gary Stern <garym.stern@nara.gov>
Date: Thu, May 5, 2022 at 4:41 PM
Subject: Fwd: April 11, 2022 Special Access Request
To: Wall, Debra <debra.wall@nara.gov>, Bosanko, William <william.bosanko@nara.gov>, Donius, Susan <susan.donius@nara.gov>
Cc: Laster, John <john.laster@nara.gov>, Hannah Bergman <Hannah.Bergman@nara.gov>

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301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Thu, May 5, 2022 at 4:27 PM
Subject: April 11, 2022 Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, who.eop.gov, (b) (6), (b) (7)(C)

15bRR002608

<(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov
<Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) John Laster
<john.laster@nara.gov>

Gary:

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With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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--

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john.laster@nara.gov

2022-05-05 NARA Letter.pdf

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Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:

Evan Corcoran

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

May 5, 2022

Via Electronic Mail

Mr. Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Re: April 11, 2022, Special Access Request From Incumbent Administration

Dear Mr. Stern:

I write to offer a proposal to speed review by representatives of former President Donald J. Trump of the 15 boxes of Presidential documents subject to the April 11, 2022, special access request made by incumbent President Joseph R. Biden Jr. on behalf of the U.S. Department of Justice.

As I understand the circumstances, NARA has set ground rules for the review as follows:

- Although NARA has in the past scanned Presidential documents so that they can be reviewed remotely, these specific documents have not been digitized and must be reviewed in person in a sensitive compartmented information facility (SCIF) located at 700 Pennsylvania Avenue, NW, Washington, DC;
- In order to be granted access to review any classified documents, a representative of the former President must have an active security clearance at a level commensurate with those specific documents;
- The former President's current NARA representatives who possess this level of clearance may not participate in this review;
- While the documents are being reviewed, representatives of NARA and the U.S. Department of Justice will be present;
- Representatives of the former President will only be allowed limited note taking about any document marked as classified.

Mr. Gary M. Stern
May 5, 2022
Page Two

I have two proposals that would speed review. First, I propose that there be three representatives of the former President involved in the review. Emma Mulford, my associate, and I would review all documents that are not marked classified. Another representative – yet-to-be identified – would review classified documents.

Second, I propose that we receive two versions of the NARA index to these documents. One version would be redacted to the satisfaction of officials at the U.S. Department of Justice. That version would be provided to Emma Mulford and me. We would be able to keep that redacted version of the index. The second version, unredacted, would be provided to the yet-to-be identified representative of the former President (who possesses an active security clearance), on a “read only” basis during his or her review of the documents.

I hope that these ideas are helpful to your consideration of the logistics involved. Our goal is to move expeditiously to complete review of these documents in a timely manner once we have a team of representatives who are granted access to the documents. We also understand and appreciate the need to accommodate the interests of other stakeholders involved.

Thank you for considering this request.

With best regards,



M. Evan Corcoran

cc: Mr. John Laster
National Archives
and Records Administration
via electronic mail

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
The White House
via electronic mail

Mr. Jay Bratt
Chief, Counterintelligence and
Export Control Section
U.S. Department of Justice
via electronic mail

(b) (6), (b) (7)(C)
via electronic mail

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/06/2022 03:27:08 PM
To: Debra Wall <debra.wall@nara.gov>
Subject: Re: Special Access Request

Now put off until Monday.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, May 5, 2022 at 11:18 AM Debra Wall <debra.wall@nara.gov> wrote:

Thanks.

On Thu, May 5, 2022 at 11:11 AM Gary Stern <garym.stern@nara.gov> wrote:

Still no word back from DOJ on the letter.

Gary M. Stern
General Counsel
National Archives and Records Administration

On Wed, May 4, 2022, 5:13 PM Debra Wall <debra.wall@nara.gov> wrote:

Yes I'm available. If you put it on letterhead I can insert my signature. Then I'll cc exec sec so they have a copy.

On Wed, May 4, 2022 at 4:52 PM Gary Stern <garym.stern@nara.gov> wrote:

I'm not sure if or when we will hear back from WH or DOJ today. Would you be available after hours to sign the letter, if necessary? Does ExecSec need to do it for you, or can you or I put it on letterhead for you to sign?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov





On Wed, May 4, 2022 at 4:16 PM Debra Wall <debra.wall@nara.gov> wrote:
Thanks.

On Wed, May 4, 2022 at 4:06 PM Gary Stern <garym.stern@nara.gov> wrote:

Here's the latest version of the letter, which incorporates my edits (with Jay's input) and a few more from DOJ. It is still pending WH review, and then AAOTUS/WHC/OLC consultation of some sort.

Also attached is the text of the email that Jay Bratt, from DOJ's National Security Division, sent to Evan Corcoran last Friday, which is quoted in our letter.

I'll keep you posted on further developments.

Thanks,
Gary

Gary M. Stern
General Counsel
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301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 1:19 PM William Bosanko <william.bosanko@nara.gov> wrote:
section 4.3 - not sure where I got 5.4 from!

On Wed, May 4, 2022 at 1:18 PM William Bosanko <william.bosanko@nara.gov> wrote:
Gary,

So - all SCI is SAP but not all SAP is SCI. The letter uses both terms, first by referencing TS/SCI and later by SAP. I have made a suggested edits to address this - by pointing to the criteria in section 5.4 of E.O. 13526 (which applies to both SCI and SAP) and which I think makes the point more clear that this is not "normal" classified information.

I would also suggest that the Government make the point that the national security implications and the need to assess any potential damage outweigh other provisions of law, but defer to you.

Jay

On Wed, May 4, 2022 at 11:03 AM Gary Stern <garym.stern@nara.gov> wrote:

Attached is the draft letter to the Trump Rep, which has been substantially revised by DOJ (with a few minor edits that I just made).

Next formal steps will be formal calls with OLC and WHC to finalize this process.

Please let me know if anyone has any comments or concerns with this approach.

15bRR002613

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 9:33 AM Gary Stern <garym.stern@nara.gov> wrote:

FYI, on Monday I sent a draft response letter to DOJ, who said they would get comments to me on Tuesday; but last night they said they are still working on it. I expect to get something back today that I can share with you, and there will likely need to be a formal consultation call with Deb, Dana, and OLC before we can send it out.

Let me know if you have any questions.

Thanks,
Gary

Gary M. Stern
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College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Sun, May 1, 2022 at 4:03 PM Gary Stern <garym.stern@nara.gov> wrote:

FYI, I will be meeting with DOJ first thing Monday morning to discuss this issue (including two additional letters I received from Trump's counsel today, which I will forward), and then will need to discuss with you.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

On Fri, Apr 29, 2022, 6:22 PM Debra Wall <debra.wall@nara.gov> wrote:

No questions. Thanks.

15bRR002614

On Fri, Apr 29, 2022 at 6:19 PM Gary Stern <garym.stern@nara.gov> wrote:

fyi, see attached letter from new counsel to President Trump, re the pending special access request from President Biden, on behalf of DOJ/FBI to review the 15 boxes. Recall that the per the Biden request, we gave the Trump reps a 7 day notification, which ran last Friday, but WHCO extended it to today. This letter comes after WHCO told the new reps that the WH would not further extent the notification period.

I have acknowledged receipt of the letter, and will confer further with WHCO and DOJ on Monday about next steps. (Note that executive privilege must be asserted personally by the former President, and that a blanket "protective assertion of executive privilege" is not a valid thing, particularly when being made by the representative/counsel to the former President.

Let me know if you have any questions.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: **Evan Corcoran** <(b) (6), (b) (7)(C)>
Date: Fri, Apr 29, 2022 at 5:55 PM
Subject: Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, John Laster <john.laster@nara.gov>

Dear Mr. Stern:

Please see the attached correspondence.

As always, I am happy to discuss at your convenience.

With best regards,

15bRR002615

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com

From: Debra Wall <debra.wall@nara.gov>
Sent time: 05/06/2022 03:44:52 PM
To: Gary Stern <garym.stern@nara.gov>
Subject: Re: Special Access Request

Thanks.

On Fri, May 6, 2022 at 3:27 PM Gary Stern <garym.stern@nara.gov> wrote:

Now put off until Monday.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, May 5, 2022 at 11:18 AM Debra Wall <debra.wall@nara.gov> wrote:

Thanks.

On Thu, May 5, 2022 at 11:11 AM Gary Stern <garym.stern@nara.gov> wrote:

Still no word back from DOJ on the letter.

Gary M. Stern
General Counsel
National Archives and Records Administration

On Wed, May 4, 2022, 5:13 PM Debra Wall <debra.wall@nara.gov> wrote:

Yes I'm available. If you put it on letterhead I can insert my signature. Then I'll cc exec sec so they have a copy.

On Wed, May 4, 2022 at 4:52 PM Gary Stern <garym.stern@nara.gov> wrote:

I'm not sure if or when we will hear back from WH or DOJ today. Would you be available after hours to sign the letter, if necessary? Does ExecSec need to do it for you, or can you or I put it on letterhead for you to sign?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 4:16 PM Debra Wall <debra.wall@nara.gov> wrote:

Thanks.

On Wed, May 4, 2022 at 4:06 PM Gary Stern <garym.stern@nara.gov> wrote:

Here's the latest version of the letter, which incorporates my edits (with Jay's input) and a few more from DOJ. It is still pending WH review, and then AAOTUS/WHC/OLC consultation of some sort.

Also attached is the text of the email that Jay Bratt, from DOJ's National Security Division, sent to Evan Corcoran last Friday, which is quoted in our letter.

I'll keep you posted on further developments.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 1:19 PM William Bosanko <william.bosanko@nara.gov> wrote:

section 4.3 - not sure where I got 5.4 from!

On Wed, May 4, 2022 at 1:18 PM William Bosanko <william.bosanko@nara.gov> wrote:

Gary,

So - all SCI is SAP but not all SAP is SCI. The letter uses both terms, first by referencing TS/SCI and later by SAP. I have made a suggested edits to address this - by pointing to the criteria in section 5.4 of E.O. 13526 (which applies to both SCI and SAP) and which I think makes the point more clear that this is not "normal" classified information.

I would also suggest that the Government make the point that the national security implications and the need to assess any potential damage outweigh other provisions of law, but defer to you.

Jay

On Wed, May 4, 2022 at 11:03 AM Gary Stern <garym.stern@nara.gov> wrote:

Attached is the draft letter to the Trump Rep, which has been substantially revised by DOJ (with a few minor edits that I just made).

15BR002618

Next formal steps will be formal calls with OLC and WHC to finalize this process.

Please let me know if anyone has any comments or concerns with this approach.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, May 4, 2022 at 9:33 AM Gary Stern <garym.stern@nara.gov> wrote:

FYI, on Monday I sent a draft response letter to DOJ, who said they would get comments to me on Tuesday; but last night they said they are still working on it. I expect to get something back today that I can share with you, and there will likely need to be a formal consultation call with Deb, Dana, and OLC before we can send it out.

Let me know if you have any questions.

Thanks,
Gary

Gary M. Stern
General Counsel
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8601 Adelphi Road
College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Sun, May 1, 2022 at 4:03 PM Gary Stern <garym.stern@nara.gov> wrote:

FYI, I will be meeting with DOJ first thing Monday morning to discuss this issue (including two additional letters I received from Trump's counsel today, which I will forward), and then will need to discuss with you.

Thanks,
Gary

Gary M. Stern

15bRR002619

General Counsel
National Archives and Records Administration

On Fri, Apr 29, 2022, 6:22 PM Debra Wall <debra.wall@nara.gov> wrote:
No questions. Thanks.

On Fri, Apr 29, 2022 at 6:19 PM Gary Stern <garym.stern@nara.gov> wrote:
fyi, see attached letter from new counsel to President Trump, re the pending special access request from President Biden, on behalf of DOJ/FBI to review the 15 boxes. Recall that the per the Biden request, we gave the Trump reps a 7 day notification, which ran last Friday, but WHCO extended it to today. This letter comes after WHCO told the new reps that the WH would not further extent the notification period.

I have acknowledged receipt of the letter, and will confer further with WHCO and DOJ on Monday about next steps. (Note that executive privilege must be asserted personally by the former President, and that a blanket "protective assertion of executive privilege" is not a valid thing, particularly when being made by the representative/counsel to the former President.

Let me know if you have any questions.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Fri, Apr 29, 2022 at 5:55 PM
Subject: Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C)
EOP/WHO <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C)
<(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, John Laster
<john.laster@nara.gov>

Dear Mr. Stern:

Please see the attached correspondence.

As always, I am happy to discuss at your convenience.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | www.silvermanthompson.com



On Thu, Apr 21, 2022 at 11:05 AM William Fischer <william.fischer@nara.gov> wrote:

Hi Gary,

I'm checking in to see if you think we'll need monitors tomorrow.

We have (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) on the schedule for tomorrow if they're needed.

Bill

On Wed, Apr 20, 2022 at 4:54 PM Gary Stern <garym.stern@nara.gov> wrote:

Thanks Bill, (b) (6), (b) (7)(C) -- but please note that so far, nothing is scheduled, so please do not come to A1 on Thursday morning, unless you hear something more from us.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, Apr 20, 2022 at 3:44 PM William Fischer <william.fischer@nara.gov> wrote:

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are available tomorrow, but they'll need to know soon in order to make plans for the morning. We're still trying to sort out a schedule for Friday.

I'm also adding (b) (6), (b) (7)(C) to this thread.

Bill

On Wed, Apr 20, 2022 at 2:24 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, et al., there's a growing chance now that we will need two people either or both tomorrow and/or Friday, and at least one may need to stay until 5:00 each day.

But it also all remains uncertain and fluid at the moment.

Thanks,
Gary

Gary M. Stern
General Counsel

15bRR002623

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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 19, 2022 at 9:21 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, there's a reasonable chance that we may need one person to assist John L. in monitoring the Trump reps on Thursday and/or Friday. We will keep you posted as to whether and when it might be happening. (fyi, John L. and I plan to cover if it take place tomorrow afternoon or Thursday morning, but if later, then we will likely need one of your staff to help.)

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Thu, Apr 14, 2022 at 11:20 AM William Fischer <william.fischer@nara.gov> wrote:

Hi Gary,

(b) (6), (b) (7)(C) will be your contact tomorrow (4/15) and Monday (4/18) if you need to schedule any NDC monitors. The rest of us will be taking leave. (b) (6), (b) (7) is copied.

Bill

On Tue, Apr 12, 2022 at 2:55 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, et al., just to clarify, we do not yet have a time scheduled when we will need your help monitoring the review of the boxes by the Trump reps or the FBI. We will let you know when we need it, which could be later this week, but might not be until next week.

We will keep you posted.

Thanks,
Gary

Gary M. Stern

15bRR002624

General Counsel
National Archives and Records Administration
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Tue, Apr 12, 2022 at 12:35 PM William Fischer <william.fischer@nara.gov> wrote:

John,

We're creating a spreadsheet of NDC staff with TS/SCI clearances who are available to assist you with monitoring the visitors who will be reviewing the Trump files over the coming days. I asked the managers to have the spreadsheet completed by COB today.

When the NDC staff arrive, they'll need an introduction to the rules and procedures to follow. Most, if not all, will also be taking the shuttle, so the earliest they can start will probably be 9:00 a.m. They may also have to be on the 4:00 shuttle leaving AI in the afternoons.

I'll share the spreadsheet when it's updated.

Thanks,
Bill

--

William P. Fischer
Director
National Declassification Center
National Archives and Records Administration
8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

--

William P. Fischer
Director
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8601 Adelphi Road, Rm. 6350
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--

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--

William P. Fischer
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National Declassification Center
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8601 Adelphi Road, Rm. 6350
College Park, MD 20740-6001
Telephone: 301-837-0585
Email: William.Fischer@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/09/2022 10:03:06 AM
To: Hannah Bergman <Hannah.Bergman@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>
Subject: Re: meeting on Trump special access?

Here's an inexhaustive list (in no specific order) of what's pending -- feel free to revise and extend:

- 1/6 Committee
 - ◊ Next notification (or two)
 - ◊ Review of draft Remus privilege letter (per (b) (6), (b) (7)(C) 5/6 email)
 - ◊ Status of File Share/Work Folder search
 - See (b) (6), (b) (7)(C) 5/8 email re docs not attached to emails
 - ◊ Production of redacted emails (set of 12/14 and prior set of @30)
- Covid Committee
 - ◊ Beth M 5/6 email re newly prioritized notification -- Kushner/Short sent emails
- New Grand Jury Subpoena for (b)(3) 6(e) Grand Jury
 - ◊ [REDACTED]
 - ◊ [REDACTED]
- Incumbent request re 15 boxes
- Court ordered request re Strzok v. Garland (3/30 court order)
 - ◊ Search is complete
- Incumbent request re DOJ/NSD/EDNY (3/11 email from (b) (6), (b) (7)(C) re Alshahhi, Barrack, and Grimes)
- Other pending congressional requests

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, May 9, 2022 at 8:41 AM Gary Stern <garym.stern@nara.gov> wrote:

Agree, and it looks like 12:30-1 today works for everyone (except maybe John), so I will send out an invite and hope he can make it too.

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

15bRR002627



On Mon, May 9, 2022 at 8:01 AM Hannah Bergman <Hannah.Bergman@nara.gov> wrote:
Sounds good.

On Mon, May 9, 2022, 7:33 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov> wrote:
Works for me.

On Mon, May 9, 2022 at 7:30 AM (b) (6), (b) (7)(C) @nara.gov wrote:
Good morning, everyone!

I know that I missed a lot of developments in the world of Trump special access last week. Would it be possible for us to meet early this week to make sure we are all on the same page? I'm looking at everyone's calendars and it looks like everyone is available from 1:00 to 1:30 on Wednesday.

(b) (6), (b) (7)(C)

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(202) 357-5403 phone
(b) (6), (b) (7)(C) cell
(b) (6), (b) (7)(C)@nara.gov

--

(b) (6), (b) (7)(C)

Donald J Trump Presidential Library (LP-DJT)
National Archives and Records Administration
700 Pennsylvania Avenue NW, Suite G-7
Washington, DC 20408
Work Cell: (b) (6), (b) (7)(C)
E-mail: (b) (6), (b) (7)(C)@nara.gov
Website: <https://www.trumplibary.gov/>
(b) (6), (b) (7)(C)

"The contents of this message are mine personally and do not necessarily reflect any position of the Government or the National Archives and Records Administration."

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/09/2022 08:26:27 PM
To: Wall, Debra <debra.wall@nara.gov>; William Bosanko <william.bosanko@nara.gov>
Cc: Donius, Susan <susan.donius@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Laster <john.laster@nara.gov>
Subject: Re: April 11, 2022 Special Access Request
Attachments: Letter to Evan Corcoran re Trump Boxes.OLC draft.05.09.2022.docx

Here, finally, is the latest draft of Deb's letter to Corcoran regarding the FBI review of the 15 Trump boxes, which contains additional edits from OLC based on WHCO input (but they didn't use track changes).

It's still pretty close to the prior versions, and should be good to go for tomorrow, but will require a formal call with Dana and OLC (which I'm hoping we can combine with the expected call on the next pending Trump privilege claim re the 1/6 request.

Once the letter goes out, we can begin the FBI review later this week (assuming their clearances have passed, and NDC staff can do the monitoring).

Please let me know if anyone has any questions.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
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garym.stern@nara.gov



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On Thu, May 5, 2022 at 4:41 PM Gary Stern <garym.stern@nara.gov> wrote:

15bRR002629

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I will continue to keep you posted.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
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(b) (6), (b) (7)(C) (cell)
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301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>
Date: Thu, May 5, 2022 at 4:27 PM
Subject: April 11, 2022 Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) >, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) >, John Laster <john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

15bRR002630

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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--

John Laster

Director, White House Liaison Division

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408-0001

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john.laster@nara.gov

DATE

Evan Corcoran
Silverman Thompson
400 East Pratt Street
Suite 900
Baltimore, MD 21202
By Email

Dear Mr. Corcoran:

I write in response to your letters of April 29, 2022, and May 1, 2022, requesting that the National Archives and Records Administration (NARA) further delay the disclosure to the Federal Bureau of Investigation (FBI) of the records that were the subject of our April 12, 2022 notification to an authorized representative of former President Trump.

As you are no doubt aware, NARA had ongoing communications with the former President's representatives throughout 2021 about what appeared to be missing Presidential records, which resulted in the transfer of 15 boxes of records to NARA in January 2022. In its initial review of materials within those boxes, NARA identified items marked as classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials. NARA informed the Department of Justice about that discovery, which prompted the Department to ask the President to request that NARA provide the FBI with access to the boxes at issue so that the FBI could examine them. On April 11, 2022, the White House Counsel's Office—affirming a request from the Department of Justice supported by an FBI letterhead memorandum—formally transmitted a request that NARA provide the FBI with access, within seven days, to the 15 boxes for purposes of the FBI's review of the documents contained therein.

Although the Presidential Records Act (PRA) generally restricts access to Presidential records in NARA's custody for several years after the conclusion of a President's tenure in office, the statute further provides that, "subject to any rights, defenses, or privileges which the United States or any agency or person may invoke," such records "shall be made available . . . to an incumbent President if such records contain information that is needed for the conduct of current business of the incumbent President's office and that is not otherwise available." 44 U.S.C. § 2205(2)(B). Those conditions are satisfied here. As the Department of Justice's National Security Division explained to you on April 29, 2022:

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of our ongoing criminal investigation, but the Executive Branch must also conduct an

assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

We advised you in writing on April 12 that, “in light of the urgency of this request,” we planned to “provid[e] access to the FBI next week,” i.e., the week of April 18. *See* Exec. Order No. 13,489, § 2(b), 74 Fed. Reg. 4,669 (Jan. 21, 2009) (providing a 30-day default before disclosure but authorizing the Archivist to specify “a shorter period of time” if “required under the circumstances”); *accord* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”). In response to a request from another representative of the former President, the White House Counsel’s Office acquiesced in an extension of the production date to April 29, and so advised NARA. In accord with that agreement, I had not yet provided the FBI with access to the records when I received your letter on April 29, and we have continued to refrain from providing such access to date.

It has now been almost four weeks since we first informed you of our intent to permit the FBI access to the boxes in order to conduct its reviews. Notwithstanding the urgency conveyed by the Department of Justice and the reasonable extension afforded to the former President, your April 29 letter asks for additional time for you to review the materials in the boxes “in order to ascertain whether any specific document is subject to privilege,” and then to consult with the former President “so that he may personally make any decision to assert a claim of constitutionally based privilege.” Your April 29 letter further states that in the event we do not afford you further time to review the records before NARA discloses them in response to the request, we should consider your letter to be “a protective assertion of executive privilege made by counsel for the former President.”

The Counsel to the President has informed me that, in light of the particular circumstances presented here, President Biden does not intend to make an independent determination regarding whether or not I should uphold the former President’s purported “protective assertion of executive privilege.” *See* 36 C.F.R. § 1270.44(f)(3). Accordingly, I have consulted with the Assistant Attorney General for the Office of Legal Counsel and the Counsel to the President to inform my “determination as to whether to honor the former President’s claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege.” Exec. Order No. 13,489, § 4(a).

The Assistant Attorney General has advised me that there is no precedent for an assertion of executive privilege by a former President *against an incumbent President* to prevent the latter from obtaining from NARA Presidential records belonging to the Federal Government where “such records contain information that is needed for the conduct of current business of the incumbent President’s office and that is not otherwise available.” 44 U.S.C. § 2205(2)(B).

To the contrary, the Supreme Court’s decision in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), strongly suggests that a former President may not successfully assert executive privilege “against the very Executive Branch in whose name the privilege is invoked.”

Id. at 447-48. In *Nixon v. GSA*, the Court rejected former President Nixon’s argument that a statute requiring that Presidential records from his term in office be maintained in the custody of, and screened by, NARA’s predecessor agency—a “very limited intrusion by personnel in the Executive Branch sensitive to executive concerns”—would “impermissibly interfere with candid communication of views by Presidential advisers.” *Id.* at 451; *see also id.* at 455 (rejecting the claim). The Court specifically noted that an “incumbent President should not be dependent on happenstance or the whim of a prior President when he seeks access to records of past decisions that define or channel current governmental obligations.” *Id.* at 452; *see also id.* at 441-46 (emphasizing, in the course of rejecting a separation-of-powers challenge to a provision of a federal statute governing the disposition of former President Nixon’s tape recordings, papers, and other historical materials “within the Executive Branch,” where the “employees of that branch [would] have access to the materials only ‘for lawful Government use,’” that “[t]he Executive Branch remains in full control of the Presidential materials, and the Act facially is designed to ensure that the materials can be released only when release is not barred by some applicable privilege inherent in that branch”; and concluding that “nothing contained in the Act renders it unduly disruptive of the Executive Branch”).

It is not necessary that I decide whether there might be *any* circumstances in which a former President could successfully assert a claim of executive privilege to prevent an Executive Branch agency from having access to Presidential records for the performance of valid executive functions. The question in this case is not a close one. The Executive Branch here is seeking access to records belonging to, and in the custody of, the Federal Government itself, not only in order to investigate whether those records were handled in an unlawful manner but also, as the National Security Division explained, to “conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.” These reviews will be conducted by current government personnel who, like the archival officials in *Nixon v. GSA*, are “sensitive to executive concerns.” *Id.* at 451. And on the other side of the balance, there is no reason to believe such reviews could “adversely affect the ability of future Presidents to obtain the candid advice necessary for effective decisionmaking.” *Id.* at 450. To the contrary: Ensuring that classified information is appropriately protected, and taking any necessary remedial action if it was not, are steps essential to preserving the ability of future Presidents to “receive the full and frank submissions of facts and opinions upon which effective discharge of [their] duties depends.” *Id.* at 449.

Because an assertion of executive privilege against the incumbent President under these circumstances would not be viable, it follows that there is no basis for the former President to make a “protective assertion of executive privilege,” which the Assistant Attorney General informs me has never been made outside the context of a congressional demand for information from the Executive Branch. Even assuming for the sake of argument that a former President may under some circumstances make such a “protective assertion of executive privilege” to preclude the Archivist from complying with a disclosure otherwise prescribed by 44 U.S.C. § 2205(2), there is no predicate for such a “protective” assertion here, where there is no realistic basis that the requested delay would result in a viable assertion of executive privilege against the incumbent President that would prevent disclosure of records for the purposes of the FBI reviews described above. Accordingly, the only end that would be served by upholding the “protective” assertion here would be to delay those very important reviews.

I have therefore decided not to honor the former President's "protective" claim of privilege. *See* Exec. Order No. 13,489, § 4(a); *see also* 36 C.F.R. 1270.44(f)(3) (providing that unless the incumbent President "uphold[s]" the claim asserted by the former President, "the Archivist discloses the Presidential record"). For the same reasons, I have concluded that there is no reason to grant your request for a further delay before the FBI begins its reviews. Accordingly, I will provide the FBI access to the records in question, as requested by the incumbent President, beginning as early as Wednesday, May 11, 2022.

Please note that, in accordance with the PRA, 44 U.S.C. § 2205(3), the former President's designated representatives can review the records, subject to obtaining the appropriate level of security clearance. We would be happy to discuss with you the details of such a review that you proposed in your letter of May 5, 2022, particularly with respect to any unclassified materials.

Sincerely,

DEBRA STEIDEL WALL
Acting Archivist of the United States

From: Debra Wall <debra.wall@nara.gov>
Sent time: 05/09/2022 08:44:21 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: William Bosanko <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Laster <john.laster@nara.gov>
Subject: Re: April 11, 2022 Special Access Request

Thanks, I'll be ready for a call.

Please note this sentence in paragraph 4: In accord with that agreement, I had not yet provided the FBI with access to the records when I received your letter on April 29, and we have continued to refrain from providing such access to date.

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Please let me know if anyone has any questions.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



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15bRR002636

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Date: Thu, May 5, 2022 at 4:27 PM
Subject: April 11, 2022 Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> John Laster <john.laster@nara.gov>

Gary:

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With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

From: Gary Stern <garym.stern@nara.gov>
Sent time: 05/09/2022 08:48:39 PM
To: Debra Wall <debra.wall@nara.gov>
Cc: William Bosanko <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Laster <john.laster@nara.gov>
Subject: Re: April 11, 2022 Special Access Request

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National Archives and Records Administration

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garym.stern@nara.gov



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From: Evan Corcoran <(b) (6), (b) (7)(C)>

15bRR002640

Date: Thu, May 5, 2022 at 4:27 PM

Subject: April 11, 2022 Special Access Request

To: GaryM Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, John Laster <john.laster@nara.gov>

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Partner



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John Laster

Director, White House Liaison Division

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

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Sent time: 05/10/2022 01:36:54 PM
To: Debra Wall <debra.wall@nara.gov>
Cc: William Bosanko <william.bosanko@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Laster <john.laster@nara.gov>
Subject: Re: April 11, 2022 Special Access Request
Attachments: Letter to Evan Corcoran re Trump Boxes 05.10.2022 + OLC suggestions.docx Remus Letter to Wall re Trump 03.09.2022 Privilege Letter re January 6 Request.05.10.2022.draft.docx

Here are a few more edits from OLC, which should be the final version, which will be the subject of the WHCO/OLC/NARA call now scheduled for 4:25.

The call will also cover the attached letter from Dana, rejecting Trump's privilege claim on a set of records from our 2/21/2022 notification (which will be followed by a letter from Deb to Trump letting him know that we will release the privileged records in 15 days).

Let me know if you have any questions

Thanks,
Gary

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Subject: April 11, 2022 Special Access Request
To: GaryM Stern <garym.stern@nara.gov>
Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> <who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> <who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> <who.eop.gov>, jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> <(b) (6), (b) (7)(C)> <who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> <(b) (6), (b) (7)(C)> John Laster <john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

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--

John Laster

Director, White House Liaison Division

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408-0001

(b) (6), (b) (7)(C) (c)

john.laster@nara.gov

DATE

Evan Corcoran
Silverman Thompson
400 East Pratt Street
Suite 900
Baltimore, MD 21202
By Email

Dear Mr. Corcoran:

I write in response to your letters of April 29, 2022, and May 1, 2022, requesting that the National Archives and Records Administration (NARA) further delay the disclosure to the Federal Bureau of Investigation (FBI) of the records that were the subject of our April 12, 2022 notification to an authorized representative of former President Trump.

As you are no doubt aware, NARA had ongoing communications with the former President's representatives throughout 2021 about what appeared to be missing Presidential records, which resulted in the transfer of 15 boxes of records to NARA in January 2022. In its initial review of materials within those boxes, NARA identified items marked as classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials. NARA informed the Department of Justice about that discovery, which prompted the Department to ask the President to request that NARA provide the FBI with access to the boxes at issue so that the FBI and others in the Intelligence Community could examine them. On April 11, 2022, the White House Counsel's Office—affirming a request from the Department of Justice supported by an FBI letterhead memorandum—formally transmitted a request that NARA provide the FBI access to the 15 boxes for its review within seven days, with the possibility that the FBI might request copies of specific documents following its review of the boxes.

Although the Presidential Records Act (PRA) generally restricts access to Presidential records in NARA's custody for several years after the conclusion of a President's tenure in office, the statute further provides that, "subject to any rights, defenses, or privileges which the United States or any agency or person may invoke," such records "shall be made available . . . to an incumbent President if such records contain information that is needed for the conduct of current business of the incumbent President's office and that is not otherwise available." 44 U.S.C. § 2205(2)(B). Those conditions are satisfied here. As the Department of Justice's National Security Division explained to you on April 29, 2022:

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of

our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

We advised you in writing on April 12 that, “in light of the urgency of this request,” we planned to “provid[e] access to the FBI next week,” i.e., the week of April 18. *See* Exec. Order No. 13,489, § 2(b), 74 Fed. Reg. 4,669 (Jan. 21, 2009) (providing a 30-day default before disclosure but authorizing the Archivist to specify “a shorter period of time” if “required under the circumstances”); *accord* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”). In response to a request from another representative of the former President, the White House Counsel’s Office acquiesced in an extension of the production date to April 29, and so advised NARA. In accord with that agreement, we had not yet provided the FBI with access to the records when we received your letter on April 29, and we have continued to refrain from providing such access to date.

It has now been four weeks since we first informed you of our intent to provide the FBI access to the boxes so that it and others in the Intelligence Community can conduct their reviews. Notwithstanding the urgency conveyed by the Department of Justice and the reasonable extension afforded to the former President, your April 29 letter asks for additional time for you to review the materials in the boxes “in order to ascertain whether any specific document is subject to privilege,” and then to consult with the former President “so that he may personally make any decision to assert a claim of constitutionally based privilege.” Your April 29 letter further states that in the event we do not afford you further time to review the records before NARA discloses them in response to the request, we should consider your letter to be “a protective assertion of executive privilege made by counsel for the former President.”

The Counsel to the President has informed me that, in light of the particular circumstances presented here, President Biden defers to my determination, in consultation with the Assistant Attorney General for the Office of Legal Counsel, regarding whether or not I should uphold the former President’s purported “protective assertion of executive privilege.” *See* 36 C.F.R. § 1270.44(f)(3). Accordingly, I have consulted with the Assistant Attorney General for the Office of Legal Counsel to inform my “determination as to whether to honor the former President’s claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege.” Exec. Order No. 13,489, § 4(a).

The Assistant Attorney General has advised me that there is no precedent for an assertion of executive privilege by a former President *against an incumbent President* to prevent the latter from obtaining from NARA Presidential records belonging to the Federal Government where “such records contain information that is needed for the conduct of current business of the incumbent President’s office and that is not otherwise available.” 44 U.S.C. § 2205(2)(B).

To the contrary, the Supreme Court’s decision in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), strongly suggests that a former President may not successfully assert

executive privilege “against the very Executive Branch in whose name the privilege is invoked.” *Id.* at 447-48. In *Nixon v. GSA*, the Court rejected former President Nixon’s argument that a statute requiring that Presidential records from his term in office be maintained in the custody of, and screened by, NARA’s predecessor agency—a “very limited intrusion by personnel in the Executive Branch sensitive to executive concerns”—would “impermissibly interfere with candid communication of views by Presidential advisers.” *Id.* at 451; *see also id.* at 455 (rejecting the claim). The Court specifically noted that an “incumbent President should not be dependent on happenstance or the whim of a prior President when he seeks access to records of past decisions that define or channel current governmental obligations.” *Id.* at 452; *see also id.* at 441-46 (emphasizing, in the course of rejecting a separation-of-powers challenge to a provision of a federal statute governing the disposition of former President Nixon’s tape recordings, papers, and other historical materials “within the Executive Branch,” where the “employees of that branch [would] have access to the materials only ‘for lawful Government use,’” that “[t]he Executive Branch remains in full control of the Presidential materials, and the Act facially is designed to ensure that the materials can be released only when release is not barred by some applicable privilege inherent in that branch”; and concluding that “nothing contained in the Act renders it unduly disruptive of the Executive Branch”).

It is not necessary that I decide whether there might be *any* circumstances in which a former President could successfully assert a claim of executive privilege to prevent an Executive Branch agency from having access to Presidential records for the performance of valid executive functions. The question in this case is not a close one. The Executive Branch here is seeking access to records belonging to, and in the custody of, the Federal Government itself, not only in order to investigate whether those records were handled in an unlawful manner but also, as the National Security Division explained, to “conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.” These reviews will be conducted by current government personnel who, like the archival officials in *Nixon v. GSA*, are “sensitive to executive concerns.” *Id.* at 451. And on the other side of the balance, there is no reason to believe such reviews could “adversely affect the ability of future Presidents to obtain the candid advice necessary for effective decisionmaking.” *Id.* at 450. To the contrary: Ensuring that classified information is appropriately protected, and taking any necessary remedial action if it was not, are steps essential to preserving the ability of future Presidents to “receive the full and frank submissions of facts and opinions upon which effective discharge of [their] duties depends.” *Id.* at 449.

Because an assertion of executive privilege against the incumbent President under these circumstances would not be viable, it follows that there is no basis for the former President to make a “protective assertion of executive privilege,” which the Assistant Attorney General informs me has never been made outside the context of a congressional demand for information from the Executive Branch. Even assuming for the sake of argument that a former President may under some circumstances make such a “protective assertion of executive privilege” to preclude the Archivist from complying with a disclosure otherwise prescribed by 44 U.S.C. § 2205(2), there is no predicate for such a “protective” assertion here, where there is no realistic basis that the requested delay would result in a viable assertion of executive privilege against the incumbent President that would prevent disclosure of records for the purposes of the reviews

DRAFT: Attorney-Client, Attorney Work Product, Deliberative

described above. Accordingly, the only end that would be served by upholding the “protective” assertion here would be to delay those very important reviews.

I have therefore decided not to honor the former President’s “protective” claim of privilege. *See* Exec. Order No. 13,489, § 4(a); *see also* 36 C.F.R. 1270.44(f)(3) (providing that unless the incumbent President “uphold[s]” the claim asserted by the former President, “the Archivist discloses the Presidential record”). For the same reasons, I have concluded that there is no reason to grant your request for a further delay before the FBI and others in the Intelligence Community begin their reviews. Accordingly, NARA will provide the FBI access to the records in question, as requested by the incumbent President, beginning as early as Thursday, May 12, 2022.

Please note that, in accordance with the PRA, 44 U.S.C. § 2205(3), the former President’s designated representatives can review the records, subject to obtaining the appropriate level of security clearance. We would be happy to discuss with you the details of such a review that you proposed in your letter of May 5, 2022, particularly with respect to any unclassified materials.

Sincerely,

DEBRA STEIDEL WALL
Acting Archivist of the United States



THE WHITE HOUSE
WASHINGTON

, 2022

Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Ave., N.W.
Washington, DC 20408

Dear Ms. Wall:

I write in response to your communication of March 9, 2022, informing us that former President Trump has made claims of executive privilege with regard to a subset of documents requested by the House Select Committee to Investigate the January 6th Attack on the United States Capitol (the “Select Committee”) that you provided to the White House for review on February 21, 2022. You have requested President Biden’s views with respect to the disclosure of those documents to the Committee and on the former President’s claims of privilege.

As I noted in my last letter, the White House has reached an accommodation with the Select Committee to prioritize documents related to certain custodians. Identifying numbers for the prioritized documents in this set have been provided by my staff. I understand that NARA has determined that some of these prioritized records, including some records subject to the former President’s assertion of executive privilege, are not responsive to the Select Committee’s request and therefore NARA has removed them from the notification. Additionally, there are some records within the prioritized set for which the White House has not yet completed its review. Identifying numbers for those records have been provided by my staff as well.

As to the remaining prioritized records, President Biden has considered the former President’s claims, and I have engaged in consultations with the Office of Legal Counsel at the Department of Justice. The President has determined that an assertion of executive privilege is not in the best interests of the United States, and therefore is not justified. As I wrote in my letter to you on October 8, 2021:

[T]he insurrection that took place on January 6, and the extraordinary events surrounding it, must be subject to a full accounting to ensure nothing similar ever happens again. Congress has a compelling need in service of its legislative functions to understand the circumstances that led to . . . the most serious attack on

the operations of the Federal Government since the Civil War. . . . Constitutional protections of executive privilege should not be used to shield, from Congress or the public, information that reflects a clear and apparent effort to subvert the Constitution itself.

Accordingly, President Biden does not uphold the former President's assertions of privilege as to any of the records within the prioritized set for which review is complete. He therefore instructs you, in accord with Section 4(b) of Executive Order 13489, to the Select Committee the prioritized records identified as privileged by the former President for which the White House's review is complete and that have not been deemed nonresponsive upon further review. In light of the urgency of the Select Committee's need for the information, the President further instructs you to provide those records 15 days after your notification to the former President, unless prohibited by court order. If the 15-day period expires on a weekend or holiday, you should provide the records to the Select Committee on the next business day.

Consistent with my prior instructions, non-responsive content in otherwise responsive records should be redacted as appropriate in any documents produced to the Select Committee.

Sincerely,

Dana A. Remus
Counsel to the President

From: William Bosanko <william.bosanko@nara.gov>
Sent time: 05/10/2022 01:48:15 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: Debra Wall <debra.wall@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Laster <john.laster@nara.gov>
Subject: Re: April 11, 2022 Special Access Request

No questions or concerns.

Thanks,

Jay

On Tue, May 10, 2022 at 1:37 PM Gary Stern <garym.stern@nara.gov> wrote:

Here are a few more edits from OLC, which should be the final version, which will be the subject of the WHCO/OLC/NARA call now scheduled for 4:25.

The call will also cover the attached letter from Dana, rejecting Trump's privilege claim on a set of records from our 2/21/2022 notification (which will be followed by a letter from Deb to Trump letting him know that we will release the privileged records in 15 days).

Let me know if you have any questions

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Mon, May 9, 2022 at 8:48 PM Gary Stern <garym.stern@nara.gov> wrote:

Yes, will make the changes, and can also change the start date to Thursday.

Thanks

Gary M. Stern
General Counsel
National Archives and Records Administration

On Mon, May 9, 2022, 8:41 PM Debra Wall <debra.wall@nara.gov> wrote:

Thanks, I'll be ready for a call.

Please note this sentence in paragraph 4: In accord with that agreement, I had not yet provided the FBI with access to the records when I received your letter on April 29, and we have continued to refrain from providing such access to date.

David was still the Archivist at that point, so can we change "I" to "we"?

15bRR002652

So we're going to give them less than 24 hours before we start giving FBI access? Or will we adjust the date depending on when the letter is sent?

Thanks.

On Mon, May 9, 2022 at 8:27 PM Gary Stern <garym.stern@nara.gov> wrote:

Here, finally, is the latest draft of Deb's letter to Corcoran regarding the FBI review of the 15 Trump boxes, which contains additional edits from OLC based on WHCO input (but they didn't use track changes).

It's still pretty close to the prior versions, and should be good to go for tomorrow, but will require a formal call with Dana and OLC (which I'm hoping we can combine with the expected call on the next pending Trump privilege claim re the 1/6 request).

Once the letter goes out, we can begin the FBI review later this week (assuming their clearances have passed, and NDC staff can do the monitoring).

Please let me know if anyone has any questions.

Thanks,
Gary

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On Fri, May 6, 2022 at 10:07 AM John Laster <john.laster@nara.gov> wrote:

I agree with Jay that it would be very difficult to monitor such a review, especially given the way the material is placed in the boxes.

John

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We can allow unclassified people, but they have to be escorted.

I defer to John, but this seems like a very complicated review process whereby NARA (and presumably DOJ/FBI) would need to be monitoring three reviewers working out of the same box at the same time. Maintaining the order of the materials is in the interest of both NARA and DOJ/FBI. It could be done, but I think it would be complicated.

And, I am not sure that there is enough room to allow this - they can be in there, escorted - but they can't be able to read the classified materials others are working with. And, the person reviewing the classified and the staff monitoring/escorting will be hampered in their ability to discuss/describe what is being reviewed.

I do not think we care about the index - defer to DOJ/FBI.

On Thu, May 5, 2022 at 4:41 PM Gary Stern <garym.stern@nara.gov> wrote:

15bRR002653

Even as we are waiting for clearance on our letter back to Evan, he just sent this new letter outlining a new approach for them to review the boxes.

I defer to Jay and John on whether we could even let uncleared persons in the SCIF to review just the unclassified documents in the boxes -- isn't the answer no?

In any event, our pending letter back will presumably still say that there is no executive privilege for them to assert in this context, and the FBI review will therefore almost certainly commence next week -- such that this proposal will essentially be moot and OBE.

Evan's letter also tries to address the issue of providing them a sanitized version of the inventory, which I don't think DOJ will agree to.

I will continue to keep you posted.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6), (b) (7)(C) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



----- Forwarded message -----

From: Evan Corcoran <(b) (6), (b) (7)(C)>

Date: Thu, May 5, 2022 at 4:27 PM

Subject: April 11, 2022 Special Access Request

To: GaryM Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) who.eop.gov>, jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) >, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C) >, (b) (6), (b) (7)(C) John Laster <john.laster@nara.gov>

Gary:

Please see the attached correspondence.

With best regards,

15bRR002654

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

direct (b) (6), (b) (7)(C) | main (b) (6), (b) (7)(C) | fax (b) (6), (b) (7)(C)

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--

John Laster
Director, White House Liaison Division
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
(b) (6), (b) (7)(C) (c)
john.laster@nara.gov

From: Gary Stern <garym.stern@nara.gov>
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To: William Bosanko <william.bosanko@nara.gov>
Cc: Debra Wall <debra.wall@nara.gov>; Donius, Susan <susan.donius@nara.gov>; Hannah Bergman <Hannah.Bergman@nara.gov>; John Laster <john.laster@nara.gov>; NARA Executive Secretariat <execsec@nara.gov>; Maria Stanwich <maria.stanwich@nara.gov>
BCc: (b) (6), (b) (7)(C)@nara.gov
Subject: Re: April 11, 2022 Special Access Request
Attachments: Letter to Evan Corcoran re Trump Boxes 05.10.2022.final.docx

Here's the clean version of the letter, to be put on letterhead and for Deb's signature. Cc'ing ExecSec and Maria to help with the process.

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
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15bRR002656



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From: Evan Corcoran <(b) (6), (b) (7)(C)>

Date: Thu, May 5, 2022 at 4:27 PM

Subject: April 11, 2022 Special Access Request

To: GaryM Stern <garym.stern@nara.gov>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov, (b) (6), (b) (7)(C)

<(b) (6), (b) (7)(C)> who.eop.gov, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> who.eop.gov,

jay.bratt2@usdoj.gov <Jay.Bratt2@usdoj.gov>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> (b) (6), (b) (7)(C)

<(b) (6), (b) (7)(C)> John Laster <john.laster@nara.gov>

Gary:

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With best regards,

Evan

M. Evan Corcoran

Partner



400 East Pratt Street

Baltimore, Maryland 21202

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John Laster
Director, White House Liaison Division
National Archives and Records Administration
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Washington, DC 20408-0001
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DATE

Evan Corcoran
Silverman Thompson
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By Email

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I write in response to your letters of April 29, 2022, and May 1, 2022, requesting that the National Archives and Records Administration (NARA) further delay the disclosure to the Federal Bureau of Investigation (FBI) of the records that were the subject of our April 12, 2022 notification to an authorized representative of former President Trump.

As you are no doubt aware, NARA had ongoing communications with the former President's representatives throughout 2021 about what appeared to be missing Presidential records, which resulted in the transfer of 15 boxes of records to NARA in January 2022. In its initial review of materials within those boxes, NARA identified items marked as classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials. NARA informed the Department of Justice about that discovery, which prompted the Department to ask the President to request that NARA provide the FBI with access to the boxes at issue so that the FBI and others in the Intelligence Community could examine them. On April 11, 2022, the White House Counsel's Office—affirming a request from the Department of Justice supported by an FBI letterhead memorandum—formally transmitted a request that NARA provide the FBI access to the 15 boxes for its review within seven days, with the possibility that the FBI might request copies of specific documents following its review of the boxes.

Although the Presidential Records Act (PRA) generally restricts access to Presidential records in NARA's custody for several years after the conclusion of a President's tenure in office, the statute further provides that, "subject to any rights, defenses, or privileges which the United States or any agency or person may invoke," such records "shall be made available . . . to an incumbent President if such records contain information that is needed for the conduct of current business of the incumbent President's office and that is not otherwise available." 44 U.S.C. § 2205(2)(B). Those conditions are satisfied here. As the Department of Justice's National Security Division explained to you on April 29, 2022:

There are important national security interests in the FBI and others in the Intelligence Community getting access to these materials. According to NARA, among the materials in the boxes are over 100 documents with classification markings, comprising more than 700 pages. Some include the highest levels of classification, including Special Access Program (SAP) materials. Access to the materials is not only necessary for purposes of

our ongoing criminal investigation, but the Executive Branch must also conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps. Accordingly, we are seeking immediate access to these materials so as to facilitate the necessary assessments that need to be conducted within the Executive Branch.

We advised you in writing on April 12 that, “in light of the urgency of this request,” we planned to “provid[e] access to the FBI next week,” i.e., the week of April 18. *See* Exec. Order No. 13,489, § 2(b), 74 Fed. Reg. 4,669 (Jan. 21, 2009) (providing a 30-day default before disclosure but authorizing the Archivist to specify “a shorter period of time” if “required under the circumstances”); *accord* 36 C.F.R. § 1270.44(g) (“The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.”). In response to a request from another representative of the former President, the White House Counsel’s Office acquiesced in an extension of the production date to April 29, and so advised NARA. In accord with that agreement, we had not yet provided the FBI with access to the records when we received your letter on April 29, and we have continued to refrain from providing such access to date.

It has now been four weeks since we first informed you of our intent to provide the FBI access to the boxes so that it and others in the Intelligence Community can conduct their reviews. Notwithstanding the urgency conveyed by the Department of Justice and the reasonable extension afforded to the former President, your April 29 letter asks for additional time for you to review the materials in the boxes “in order to ascertain whether any specific document is subject to privilege,” and then to consult with the former President “so that he may personally make any decision to assert a claim of constitutionally based privilege.” Your April 29 letter further states that in the event we do not afford you further time to review the records before NARA discloses them in response to the request, we should consider your letter to be “a protective assertion of executive privilege made by counsel for the former President.”

The Counsel to the President has informed me that, in light of the particular circumstances presented here, President Biden defers to my determination, in consultation with the Assistant Attorney General for the Office of Legal Counsel, regarding whether or not I should uphold the former President’s purported “protective assertion of executive privilege.” *See* 36 C.F.R. § 1270.44(f)(3). Accordingly, I have consulted with the Assistant Attorney General for the Office of Legal Counsel to inform my “determination as to whether to honor the former President’s claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege.” Exec. Order No. 13,489, § 4(a).

The Assistant Attorney General has advised me that there is no precedent for an assertion of executive privilege by a former President *against an incumbent President* to prevent the latter from obtaining from NARA Presidential records belonging to the Federal Government where “such records contain information that is needed for the conduct of current business of the incumbent President’s office and that is not otherwise available.” 44 U.S.C. § 2205(2)(B).

To the contrary, the Supreme Court’s decision in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), strongly suggests that a former President may not successfully assert

executive privilege “against the very Executive Branch in whose name the privilege is invoked.” *Id.* at 447-48. In *Nixon v. GSA*, the Court rejected former President Nixon’s argument that a statute requiring that Presidential records from his term in office be maintained in the custody of, and screened by, NARA’s predecessor agency—a “very limited intrusion by personnel in the Executive Branch sensitive to executive concerns”—would “impermissibly interfere with candid communication of views by Presidential advisers.” *Id.* at 451; *see also id.* at 455 (rejecting the claim). The Court specifically noted that an “incumbent President should not be dependent on happenstance or the whim of a prior President when he seeks access to records of past decisions that define or channel current governmental obligations.” *Id.* at 452; *see also id.* at 441-46 (emphasizing, in the course of rejecting a separation-of-powers challenge to a provision of a federal statute governing the disposition of former President Nixon’s tape recordings, papers, and other historical materials “within the Executive Branch,” where the “employees of that branch [would] have access to the materials only ‘for lawful Government use,’” that “[t]he Executive Branch remains in full control of the Presidential materials, and the Act facially is designed to ensure that the materials can be released only when release is not barred by some applicable privilege inherent in that branch”; and concluding that “nothing contained in the Act renders it unduly disruptive of the Executive Branch”).

It is not necessary that I decide whether there might be *any* circumstances in which a former President could successfully assert a claim of executive privilege to prevent an Executive Branch agency from having access to Presidential records for the performance of valid executive functions. The question in this case is not a close one. The Executive Branch here is seeking access to records belonging to, and in the custody of, the Federal Government itself, not only in order to investigate whether those records were handled in an unlawful manner but also, as the National Security Division explained, to “conduct an assessment of the potential damage resulting from the apparent manner in which these materials were stored and transported and take any necessary remedial steps.” These reviews will be conducted by current government personnel who, like the archival officials in *Nixon v. GSA*, are “sensitive to executive concerns.” *Id.* at 451. And on the other side of the balance, there is no reason to believe such reviews could “adversely affect the ability of future Presidents to obtain the candid advice necessary for effective decisionmaking.” *Id.* at 450. To the contrary: Ensuring that classified information is appropriately protected, and taking any necessary remedial action if it was not, are steps essential to preserving the ability of future Presidents to “receive the full and frank submissions of facts and opinions upon which effective discharge of [their] duties depends.” *Id.* at 449.

Because an assertion of executive privilege against the incumbent President under these circumstances would not be viable, it follows that there is no basis for the former President to make a “protective assertion of executive privilege,” which the Assistant Attorney General informs me has never been made outside the context of a congressional demand for information from the Executive Branch. Even assuming for the sake of argument that a former President may under some circumstances make such a “protective assertion of executive privilege” to preclude the Archivist from complying with a disclosure otherwise prescribed by 44 U.S.C. § 2205(2), there is no predicate for such a “protective” assertion here, where there is no realistic basis that the requested delay would result in a viable assertion of executive privilege against the incumbent President that would prevent disclosure of records for the purposes of the reviews

described above. Accordingly, the only end that would be served by upholding the “protective” assertion here would be to delay those very important reviews.

I have therefore decided not to honor the former President’s “protective” claim of privilege. *See* Exec. Order No. 13,489, § 4(a); *see also* 36 C.F.R. 1270.44(f)(3) (providing that unless the incumbent President “uphold[s]” the claim asserted by the former President, “the Archivist discloses the Presidential record”). For the same reasons, I have concluded that there is no reason to grant your request for a further delay before the FBI and others in the Intelligence Community begin their reviews. Accordingly, NARA will provide the FBI access to the records in question, as requested by the incumbent President, beginning as early as Thursday, May 12, 2022.

Please note that, in accordance with the PRA, 44 U.S.C. § 2205(3), the former President’s designated representatives can review the records, subject to obtaining the appropriate level of security clearance. Please contact my General Counsel, Gary M. Stern, if you would like to discuss the details of such a review, such as you proposed in your letter of May 5, 2022, particularly with respect to any unclassified materials.

Sincerely,

DEBRA STEIDEL WALL
Acting Archivist of the United States

From: William Fischer <william.fischer@nara.gov>
Sent time: 05/10/2022 02:10:28 PM
To: Gary Stern <garym.stern@nara.gov>
John Laster <john.laster@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>;
Cc: <(b) (6), (b) (7)(C)@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>; David Mengel <david.mengel@nara.gov>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@nara.gov>;
Subject: Re: Trump Records

Hi Gary,

I'm checking in to see if anyone from the NDC will be needed tomorrow.

Bill

On Sat, May 7, 2022 at 4:47 PM Gary Stern <garym.stern@nara.gov> wrote:

FYI, the review is now likely to start on Wednesday or Thursday.

Thanks,

Gary

Gary M. Stern
General Counsel
National Archives and Records Administration

On Fri, May 6, 2022, 8:48 AM Gary Stern <garym.stern@nara.gov> wrote:

FYI, the timing of the review of the Trump boxes continues to be a moving target, but could take place as early as Monday (although Tuesday is more likely). When it does finally happen, we expect to need 2-3 monitors for at least several days. I will keep you posted as we learn more.

Thanks for being flexible.

Gary

Gary M. Stern
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garym.stern@nara.gov



On Thu, Apr 21, 2022 at 1:15 PM Gary Stern <garym.stern@nara.gov> wrote:

So far there is still NO confirmation that there will be a review today or tomorrow, so please remain on hold.

Thanks,

Gary

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On Thu, Apr 21, 2022 at 11:05 AM William Fischer <william.fischer@nara.gov> wrote:

Hi Gary,

I'm checking in to see if you think we'll need monitors tomorrow.

We have (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) on the schedule for tomorrow if they're needed.

Bill

On Wed, Apr 20, 2022 at 4:54 PM Gary Stern <garym.stern@nara.gov> wrote:

Thanks Bill, (b) (6), (b) (7)(C) -- but please note that so far, nothing is scheduled, so please do not come to A1 on Thursday morning, unless you hear something more from us.

Thanks,
Gary

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On Wed, Apr 20, 2022 at 3:44 PM William Fischer <william.fischer@nara.gov> wrote:

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are available tomorrow, but they'll need to know soon in order to make plans for the morning. We're still trying to sort out a schedule for Friday.

I'm also adding (b) (6), (b) (7)(C) to this thread.

Bill

On Wed, Apr 20, 2022 at 2:24 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, et al., there's a growing chance now that we will need two people either or both tomorrow and/or Friday, and at least one may need to stay until 5:00 each day.

But it also all remains uncertain and fluid at the moment.

Thanks,
Gary

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On Tue, Apr 19, 2022 at 9:21 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, there's a reasonable chance that we may need one person to assist John L. in monitoring the Trump reps on Thursday and/or Friday. We will keep you posted as to whether and when it might be happening. (fyi, John L. and I plan to cover if it take place tomorrow afternoon or Thursday morning, but if later, then we will likely need one of your staff to help.)

Thanks,
Gary

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On Thu, Apr 14, 2022 at 11:20 AM William Fischer <william.fischer@nara.gov> wrote:

Hi Gary,

(b) (6), (b) (7)(C) will be your contact tomorrow (4/15) and Monday (4/18) if you need to schedule any NDC monitors. The rest of us will be taking leave. (b) (6), (b) (7) is copied.

Bill

On Tue, Apr 12, 2022 at 2:55 PM Gary Stern <garym.stern@nara.gov> wrote:

Bill, et al., just to clarify, we do not yet have a time scheduled when we will need your help monitoring the review of the boxes by the Trump reps or the FBI. We will let you know when we need it, which could be later this week, but might not be until next week.

We will keep you posted.

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Thanks,
Gary

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On Tue, Apr 12, 2022 at 12:35 PM William Fischer <william.fischer@nara.gov> wrote:

John,

We're creating a spreadsheet of NDC staff with TS/SCI clearances who are available to assist you with monitoring the visitors who will be reviewing the Trump files over the coming days. I asked the managers to have the spreadsheet completed by COB today.

When the NDC staff arrive, they'll need an introduction to the rules and procedures to follow. Most, if not all, will also be taking the shuttle, so the earliest they can start will probably be 9:00 a.m. They may also have to be on the 4:00 shuttle leaving AI in the afternoons.

I'll share the spreadsheet when it's updated.

Thanks,
Bill

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William P. Fischer

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