



THE WHITE HOUSE
WASHINGTON

March 10, 2022

David Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Ave., N.W.
Washington, DC 20408

Dear Mr. Ferriero,

I write in response to your communication of February 15, 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 January 31, 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.

I understand that NARA has determined that some of these 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. In addition, the White House has reached an accommodation with the Select Committee, wherein the Select Committee has agreed to defer its request for other records covered by the January 31 notification. Identifying numbers for those records will be provided by my staff.

As to the remaining 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. He therefore instructs you, in accord with Section 4(b) of Executive Order 13489, to provide to the Select Committee the responsive records identified as privileged by the former President that are not subject to the deferral agreement with the Select Committee and have not been deemed non-responsive 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.

Some of the documents in question involved litigation in which certain parties were represented by the Department of Justice. In order to protect longstanding Executive Branch interests, production of those records should be made *in camera*. My staff will provide a complete list of records to be made available via *in camera* review. Moreover, 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,

A handwritten signature in black ink, appearing to read "Dana A. Remus". The signature is fluid and cursive, with a large initial "D" and "R".

Dana A. Remus
Counsel to the President