



THE WHITE HOUSE
WASHINGTON

December 23, 2021

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

Dear Mr. Ferriero,

I write in response to your communication of December 22, 2021, informing us that former President Trump has asserted 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, and requesting President Biden's views. President Biden has considered the former President's assertion, 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 to the documents provided to the White House on October 22, 2021, bearing Bates numbers P000259-P000260; P000280-P000281; P000442-P000447; P000505-P000511. Accordingly, President Biden does not uphold the former President's assertion of privilege.

As I set forth 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.

The President instructs you, in accord with Section 4(b) of Executive Order 13489, to provide the pages identified as privileged by the former President to the Select Committee. In light of the urgency of the Select Committee's need for the information, the President further instructs you to provide those pages 30 days after your notification to the former President,

unless prohibited by court order. If the 30-day period expires on a weekend or holiday, you should provide the records to the Select Committee on the next business day.

As explained in my December 17, 2021 letter to you, in the normal course of the accommodations process, the Select Committee has agreed to withdraw or defer its request for other records sent to the White House on October 22, 2021. Identifying numbers for those records have been previously provided to you. Any pages not so identified, and not subject to the former President's assertion of privilege, should be provided to the Select Committee as soon as possible.

Consistent with prior instructions and the Select Committee's agreement to withdraw its request for certain records, non-responsive content in otherwise responsive records should be redacted 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