



THE WHITE HOUSE
WASHINGTON

May 25, 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 communications of February 23 and March 9, 2022, informing us that former President Trump has made claims of executive privilege with regard to subsets 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 8 and February 21, 2022. You 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 previously responded to your February 23 and March 9 communications informing you that the White House had reached an accommodation with the Select Committee to prioritize documents related to certain custodians and that, with respect to the prioritized documents for which review was complete, President Biden had determined that an assertion of executive privilege was not in the best interests of the United States, and therefore was not justified. In addition to the email documents associated with various custodians, NARA’s February 8 and 21 notifications to the White House included some documents collected by the Office of Records Management. Following transmittal of the documents, NARA determined that a small number were not responsive to the request and removed them from the notification.

The White House has now completed its review of the remaining records from the Office of Records Management. As to those 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 from the Office of Records Management sent to the White House on February 8 and February 21. He therefore instructs you, in accord with Section 4(b) of Executive Order 13489, to provide to the Select Committee the records identified as privileged by the former President 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,

A handwritten signature in black ink, appearing to read "Dana Remus", with a stylized, cursive script.

Dana A. Remus
Counsel to the President