



THE WHITE HOUSE  
WASHINGTON

December 16, 2021

Kristin L. Amerling  
Deputy Staff Director and Chief Counsel  
Select Committee to Investigate the January 6th Attack on the U.S. Capitol  
Longworth House Office Building  
Washington, DC 20515

Dear Ms. Amerling:

I write to memorialize our discussions regarding 511 pages of presidential records from the files of the National Security Council (the “NSC”) that the National Archives and Records Administration deemed responsive to the Select Committee’s August 25, 2021 request and sent to the White House for review on October 22, 2021. As you are aware, the review period for these presidential records was extended for both the incumbent and former Presidents in order to complete the review process.

As specified below, the Select Committee has agreed to withdraw or defer its request for the documents bearing the Bates numbers listed in Exhibit A of this letter. This agreement follows the Select Committee’s previous agreement to defer its request for 50 pages of presidential records related to the exercise of exclusive presidential authorities. Both agreements reflect the ongoing effort by the Executive and Legislative Branches to ensure that the Select Committee’s legitimate needs are accommodated while preserving important Executive Branch prerogatives, such as the need for confidentiality in presidential decision-making. Further, both agreements are without prejudice to the Select Committee’s ability to revisit its request for the deferred records in the future and to the White House’s ability to respond appropriately should such circumstances arise, including by asserting privilege if warranted.

First, the Select Committee has agreed to withdraw its request for certain presidential records within the 511 pages, listed in Category 1 of Exhibit A, which are responsive to the Select Committee’s request only because of the date on which they were created. These records appear to have no content that might be material to the Select Committee’s investigation.

Second, the Select Committee has agreed to defer its request for other presidential records within the 511 pages, listed in Category 2 of Exhibit A, which largely originated outside the White House from Executive Branch agencies with responsibility over law enforcement and intelligence gathering. These records reflect the NSC’s role as the “principal means for coordinating executive departments and agencies in the development and implementation of national security policy.”<sup>1</sup> In recognition of the fact that the agencies are better positioned to accommodate the Select Committee’s request for those materials, some of which are highly classified or law-enforcement sensitive, the Select Committee has agreed to defer its request for

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<sup>1</sup> Memorandum on Renewing the National Security Council System (Feb. 4, 2021).

these records pending completion of document productions by the relevant agencies. Likewise, the Select Committee has agreed to defer its request for internal White House documents that collect and summarize agency intelligence reports and related items.

The Select Committee has also agreed to defer its request for documents bearing on the NSC's deliberative process, including documents collected and circulated in preparation for meetings of the Principals Committee. Because the NSC is the "principal forum for consideration of national security policy issues requiring Presidential determination,"<sup>2</sup> the Executive Branch has longstanding and important interests in maintaining the confidentiality of this decision-making process.

President Biden recognizes that Congress has a compelling need, in service of its legislative functions, to understand the circumstances that led to the insurrection that took place on January 6, and the extraordinary events surrounding it, in order to ensure nothing similar ever happens again. The documents for which the Select Committee has agreed to withdraw or defer its request do not appear to bear on the White House's preparations for or response to the events of January 6, or on efforts to overturn the election or otherwise obstruct the peaceful transfer of power. Accordingly, the Select Committee's agreement to withdraw or defer these documents, as well as the documents subject to the prior deferral, should not compromise its ability to complete its critical investigation expeditiously.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan C. Su". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan C. Su  
Deputy Counsel to the President

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<sup>2</sup> *Id.*

# Exhibit A

## Category 1

P000450- P000456

P000457

P000458- P000474

P000477- P000482

P000484- P000489

P000491- P000493

P000497- P000504

Category 2

P000001	P000107- P000108	P000238- P000242
P000002-P000010	P000109	P000243- P000247
P000011-P000012	P000110- P000116	P000286
P000013	P000117- P000118	P000287- P000289
P000014- P000018	P000119- P000124	P000290- P000293
P000019	P000125- P000132	P000294- P000306
P000020- P000045	P000133- P000148	P000307- P000310
P000046	P000149	P000311- P000321
P000050- P000052	P000150- P000154	P000322- P000327
P000053	P000155- P000160	P000328- P000333
P000054	P000161- P000165	P000334- P000339
P000055- P000058	P000166- P000179	P000340- P000345
P000059- P000060	P000171- P000176	P000346- P000354
P000061	P000177- P000180	P000355- P000362
P000062	P000181- P000185	P000363- P000368
P000063	P000186- P000190	P000369- P000374
P000064- P000067	P000191- P000196	P000375- P000380
P000068	P000197- P000201	P000381- P000386
P000069- P000071	P000202- P000206	P000387- P000392
P000072	P000207- P000212	P000393- P000401
P000073- P000074	P000213- P000217	P000402- P000409
P000075- P000090	P000218- P000224	P000410- P000415
P000091	P000225- P000229	P000416
P000092- P000102	P000230- P000233	P000417- P000425
P000103- P000106	P000234- P000237	P000426- P000433