



DONALD J. TRUMP

December 22, 2021

The Honorable David S. Ferriero  
Archivist of the United States  
U.S. National Archives and Records Administration  
Washington, D.C.

Dear Mr. Ferriero,

I write concerning requests for documents and records sent to the National Archives and Records Administration (“NARA”) on March 25, 2021 and August 25, 2021, by the Select Committee to Investigate the January 6th Attack on the United States Capitol (the “Committee”). The Committee requested an extremely broad set of documents and records, potentially numbering in the millions, which unquestionably contain information protected from disclosure by the executive and other privileges, including but not limited to the presidential communications, deliberative process, and attorney-client privileges.

On October 15, 2021, NARA noticed the fourth set of records for review (P000001 – P000511)<sup>1</sup> (the “Fourth Notification”).<sup>2</sup> Following a review of such records, pursuant to the Presidential Records Act, Executive Order 13489, and 36 CFR 1270.44, I have determined that the following records contain information subject to executive privilege, including the presidential communications and deliberative process privileges, and I hereby formally assert executive privilege over these records:

PC000259 – PC000260
PC000280 – PC000281
PC000442 – PC000447
PC000505 – PC000511

It is my understanding that NARA has determined that records numbered PC000448 and PC000449 are non-responsive and will not be produced to the Committee.

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<sup>1</sup> The Bates range identified above (P000001 – P000511) includes both classified and unclassified records. For purposes of this letter, classified records shall be identified as “PCXXXXXX” and unclassified records shall be identified as “PUXXXXXX”.

<sup>2</sup> On November 15, 2021, I made a formal assertion of constitutionally based privilege over a portion of the Fourth Notification (P-N001025 – P-N001064). It is my understanding that NARA, at the request of White House Counsel’s Office, agreed to extend the deadline for the review of this portion of the Fourth Notification (P000001 – P000511) to December 22, 2021.

It is my understanding that the Committee has deferred its request for the records identified below. Although no decision with respect to executive or other privileges needs to be made now, I hereby reserve my right to make a formal assertion of executive or other privileges over these records at the appropriate time.

PC000001
PC000002 – PC000010
PC000011 – PC000012
PC000013
PC000014 – PC000018
PC000019
PC000020 – PC000045
PC000046
PC000050 – PC000052
PC000053
PC000054
PC000055 – PC000058
PC000059 – PC000060
PC000061
PC000062
PC000063
PC000064 – PC000067
PU000068
PU000069 – PU000071
PU000072
PU000073 – PU000074
PC000075 – PC000090
PC000091
PC000092 – PC000102
PC000103 – P000105
PU106
PU000107 – PU000108
PC000109
PC000110 – PC000116
PC000117 – PC000118
PC000119 – PC000124
PC000125 – PC000132
PU000133 – PU000148
PC000149
PC000150 – PC000154

PC000155 – PC000160
PC000161 – PC000165
PC000166 – PC000179
PC000171 – PC000176
PC000177 – PC000180
PC000181 – PC000185
PC000186 – PC000190
PC000191 – PC000196
PC000197 – PC000201
PC000202 – PC000206
PC000207 – PC000212
PC000213 – PC000217
PC000218 – PC000224
PC000225 – PC000229
PC000230 – PC000233
PC000234 – PC000237
PC000238 – PC000242
PC000243 – PC000247
PC000286
PC000287 – PC000289
PC000290 – PC000293
PU000294 – PU000306
PC000307 – PC000310
PC000311 – PC000321
PC000322 – PC000327
PC000328 – PC000333
PC000334 – PC000339
PC000340 – PC000345
PC000346 – PC000354
PC000355 – PC000362
PC000363 – PC000368
PC000369 – PC000374
PC000375 – PC000380
PC000381 – PC000386
PC000387 – PC000392
PC000393 – PC000401
PC000402 – PC000409
PC000410 – PC000415
PC000416

PC000417 – PC000425
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PU000426 – PU000433
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It is my understanding that the Committee has withdrawn its request for the records identified below. Although no decision with respect to executive or other privileges needs to be made now, I hereby reserve my right to make a formal assertion of executive or other privileges over these records at the appropriate time.

PC000450 – PC000456
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PC000457
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PC000458 – PC000474
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PC000477 – PC000482
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PC000484 – PC000489
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PC000491 – PC000493
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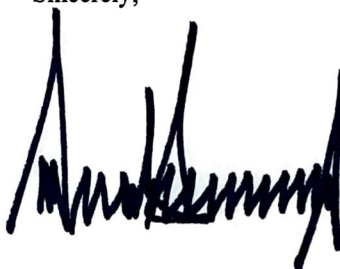
PC000497 – PC000504
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Additionally, certain documents included in the Fourth Notification may be subject to other privileges, including without limitation the attorney-client and work-product privileges. To the extent required, any attorney-client or other privilege is not waived and a further review may be required depending on the outcome of the process provided for under the Presidential Records Act, 36 CFR 1270.44, and Executive Order 13489.

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Finally, pursuant to the Presidential Records Act, Executive Order 13489, and 36 CFR 1270.44, I hereby make a protective assertion of constitutionally based privilege with respect to all additional records following the Fourth Notification. In cases like this, where Congress has declined to grant sufficient time to conduct a full review, there is a longstanding bipartisan tradition of protective assertions of executive privilege designed to ensure the ability to make a final privilege assertion, if necessary, over some or all of the requested material. *See Protective Assertion of Executive Privilege Regarding White House Counsel's Office Documents*, 20 Op. O.L.C. 1 (1996) (opinion of Attorney General Janet Reno). This protective assertion is intended to ensure that I have the ability to make a final assertion of executive privilege, if necessary and appropriate, following a full review of the requested materials. *See Letter for the President from William P. Barr, Attorney General*, at 1–2 (May 8, 2019).

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Hanau". The signature is written in a cursive style with a large initial "A" and "M".