



THE WHITE HOUSE
WASHINGTON

February 15, 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 January 31, 2022, informing us that former President Trump has made claims of executive privilege with regard to a subset of documents and portions 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 21, 2022. You have requested President Biden’s views with respect to the disclosure of those documents to the Select Committee and on the former President’s claims of privilege.

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 to these records and portions of records. The records in question are entries in visitor logs showing appointment information for individuals who were processed to enter the White House complex, including on January 6, 2021. As a matter of policy, and subject to limited exceptions, the Biden Administration voluntarily discloses such visitor logs on a monthly basis. The Obama Administration followed the same practice. The majority of the entries over which the former President has asserted executive privilege would be publicly released under current policy. As practice under that policy demonstrates, preserving the confidentiality of this type of record generally is not necessary to protect long-term institutional interests of the Executive Branch.

Moreover, 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 records and portions of records identified as privileged by the former President. In light of the urgency of the Select Committee's need for the information, the President further instructs you to provide those pages 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.

To ensure that Executive Branch interests are adequately protected, the Select Committee has agreed to treat entries associated with appointments designated as national-security sensitive ("NSS") or otherwise-highly sensitive ("OHS") as confidential and to refrain from sharing or discussing such entries outside the Select Committee without prior consultation. Moreover, to ensure that personal privacy information is not inadvertently disclosed, the Select Committee has agreed to accept production of these records with birthdates and social security numbers removed.

Please let me know if you have any questions about the information contained herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana A. Remus', written in a cursive style.

Dana A. Remus
Counsel to the President