
NARA NOTICE

2022-192

Date: August 24, 2022
To: All NARA Employees
Subject: Update on Trump Administration Presidential Records

In February, former Archivist of the United States David S. Ferriero shared with you information about Trump Administration Presidential records and the National Archives. In NARA Notice 2022-082 and NARA Notice 2022-087, he wrote that NARA received 15 boxes that contained Presidential records from former President Trump's Mar-a-Lago property in Florida, including items marked as classified national security information, and, accordingly, had been in communication with the Department of Justice. He also shared that NARA staff did not visit or "raid" the Mar-a-Lago property; that representatives of President Trump informed us that they were continuing to search for additional Presidential records that belong to the National Archives; and that some of the records we received at the end of the Trump Administration included paper records that had been torn up.

We continue to be unable to comment on potential or ongoing investigations.

However, this week a representative of President Trump released the text of a letter I sent to Trump representative Evan Corcoran on May 10, 2022. Typically, we do not publicly share non-routine correspondence with former Presidents and their representatives but, under these circumstances, we have released an official copy of the letter ourselves. The letter is now available on our FOIA Electronic Reading Room, at <https://www.archives.gov/foia/pr-trump-admin>.

In that letter, I addressed issues raised by Mr. Corcoran in his role as a Presidential Records Act (PRA) representative of President Trump. At issue was the request of the White House, on behalf of the Department of Justice (DOJ), that NARA provide the FBI with access to the 15 boxes, so that the FBI and others in the Intelligence Community could examine them. When NARA receives such requests, we follow the formal process established by the PRA, our regulations at [36 C.F.R. Part 1270](#), and [Executive Order 13489](#), to provide the former President an opportunity to review the responsive records for constitutionally based privileges.

In this case, White House Counsel informed me that, in light of the particular circumstances, President Biden deferred to my determination, in consultation with the Assistant Attorney General for the Office of Legal Counsel, regarding whether or not I should uphold the former President's purported "protective assertion of executive privilege." Accordingly, I informed Mr. Corcoran that the time period for review had expired and that "an assertion of executive privilege against the incumbent President under these circumstances would not be viable," because "there is no precedent for an assertion of executive privilege by a former President *against an incumbent President* to prevent the latter from obtaining from NARA Presidential records belonging to the Federal Government." My letter also indicated that NARA had identified more than 700 pages of records marked as classified national security information, up to the

level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials—information that we had not previously publicly disclosed.

Additionally, we have released correspondence with Congress about the matter, also available at <https://www.archives.gov/foia/pr-trump-admin>. In those letters, I report that, since our initial referral, the DOJ has been exclusively responsible for all aspects of its investigation, and NARA has not been involved in any searches that it has conducted.

Finally, NARA has also released a statement to the press clarifying that we assumed exclusive legal and physical custody of Obama Presidential records when President Barack Obama left office in 2017, in accordance with the Presidential Records Act (PRA). That statement, and other press statements related to the Trump PRA records, are available here: <https://www.archives.gov/press/press-releases/2022/nr22-001>.

The National Archives has been the focus of intense scrutiny for months, this week especially, with many people ascribing political motivation to our actions. NARA has received messages from the public accusing us of corruption and conspiring against the former President, or congratulating NARA for “bringing him down.” Neither is accurate or welcome. For the past 30-plus years as a NARA career civil servant, I have been proud to work for a uniquely and fiercely non-political government agency, known for its integrity and its position as an “honest broker.” This notion is in our establishing laws and in our very culture. I hold it dear, and I know you do, too.

Our fundamental interest is always in ensuring that government records are properly managed, preserved, and protected to ensure access to them for the life of the Republic. That is our mission, and what motivates us as we seek to uphold the public trust. I thank all of you for your dedication to that mission and your professionalism and integrity in carrying it out in a non-political and diligent manner.

We will continue to do our work, without favor or fear, in the service of our democracy.

DEBRA STEIDEL WALL
Acting Archivist of the United States

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