

EXHIBIT 5



DONALD J. TRUMP
October 8, 2021

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

Dear Mr. Ferriero,

I write concerning requests for documents and records sent to your office 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.

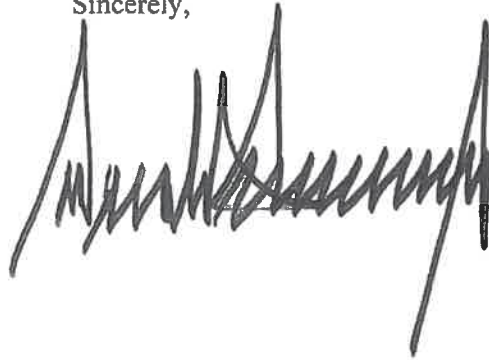
On August 30, 2021, the National Archives and Records Administration noticed the first set of records for review (P00001 – P00136) (the "First Tranche"). Following a review of such records, pursuant to the Presidential Records Act, 44 U.S.C. § 2208(b), Executive Order 13489, and 36 CFR 1270.44, I have 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:

P00001
P00002
P00004
P00005
P00006
P00007 – P00009
P00010
P00011 – P00012
P00013 – P00014
P00015
P00016
P00017
P00045 – P00049
P00051
P00053 – P00058
P00060
P00061
P00115 – P00120
P00121 – P00122
P00123 – P00128
P00131 – P00132

Further, pursuant to the Presidential Records Act, 44 U.S.C. § 2208(b), 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 First Tranche. 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).

Should the Committee persist in seeking other privileged information, I will take all necessary and appropriate steps to defend the Office of the Presidency.

Sincerely,

A handwritten signature in black ink, appearing to be "Donald Trump", written in a cursive style. The signature is positioned below the word "Sincerely,".

cc: U.S. House Committee on Oversight & Reform
2157 Rayburn House Office Building
Washington, DC 20515

U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510