

Refusing Trump's claims of "executive privilege," Biden orders National Archives to turn over White House visitor logs

Jacob Crosse
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Rejecting claims made by former President Donald Trump of "executive privilege," on February 15, 2022, White House counsel Dana Remus sent a letter to David Ferriero, archivist of the United States at the National Archives and Records Administration, instructing the Archives to turn over White House visitor logs requested by the House Select Committee investigating the attack on Congress last year.

The documents in question, according to the letter, include, "visitor logs showing appointment information for individuals who were processed to enter the White House complex, including on January 6, 2021."

The White House letter was first reported by the *New York Times* on Tuesday, and its text was subsequently leaked to the press. In the letter, Remus revealed that the Archives had sought Biden's "views with respect to the disclosure of those documents" on January 31, 2022, after Trump claimed he retained "executive privilege" over the documents.

In rejecting Trump's claims, Biden ordered the Archives to turn over the documents to the select committee within 15 days. Prior to April 2017, the White House visitor logs had been, for the most part, public record. However, within four months of assuming the presidency, Trump ordered the logs to remain secret, alleging "grave national security risks and privacy concerns of the hundreds of thousands of visitors annually."

Rejecting Trump's claims of "grave national security risks," Remus wrote: "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."

Citing a previous letter sent to the Archives on October 8, 2021, similarly rejecting Trump's claims of executive privilege, Remus wrote: "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."

In a letter dated February 16, 2022, to "The Honorable Donald J. Trump," Ferriero, citing Biden's instructions,

informed the ex-president that the Archives would disclose the requested documents to the select committee on March 3, 2022.

Last November, District Judge Tanya S. Chutkan rejected Trump's attempts to invoke executive privilege over documents in possession of the Archives and sought by the committee. Trump's legal arguments were based on his lying claims that the election was stolen, not that the documents Trump was seeking to keep secret were irrelevant to the committee's investigation of January 6.

There is no question that the White House visitor logs are vital to uncovering exactly who was involved in Trump's insurrection, which had the support of much of the Republican Party and leading elements in the police, military and intelligence apparatus. It is remarkable that it has taken over 13 months after Trump's failed coup, for these records—which show who was granted access to the White House the day of the attack—to be turned over to the select committee. This is another testament to the committee's true purpose: concealing from the American people the wide support for Trump's coup within the capitalist state.

As part of Trump's multifaceted plot to overthrow the election, his coup lawyers, Rudy Giuliani, Jenna Ellis and John Eastman, advanced a false "alternate electors" scheme which involved Republican Party officials and lawmakers sending to Congress bogus pro-Trump slates of electors in states Trump lost to Biden. Some of the figures involved in this scheme likely visited the White House in the time between Trump's electoral defeat and January 6.

These "alternate electors," according to Trump's lawyers, would provide Vice President Mike Pence, who presided over the counting of the Electoral College vote on January 6, 2021, the pretext to unilaterally delay the count due to supposed "competing electors." Trump and his allies would then demand the "disputed" election be decided by the House of Representatives, as provided in the Constitution for an election where no candidate had a majority of the Electoral College, with each state delegation granted one vote. Since Republicans controlled 26 state delegations, they could have declared Trump the winner, disregarding some 81 million votes for Biden.

On February 15, the chairman of the select committee, Representative Bennie Thompson (D-MS), announced six new subpoenas targeting those involved in the fake elector scheme: two members of the Trump campaign and four Republican Party officials from battleground states Trump lost.

In his subpoena letters to Michael Roman, who served as “Director of Election Day Operations” for Trump, and Roman’s deputy, Gary Michael Brown, Thompson wrote that the committee’s investigation has “revealed credible evidence that you were aware of, and participated in, efforts to promote unsupported allegations of fraud in the November 2020 Presidential election and encourage state legislators to alter the outcome of the November 2020 election by, among other things, appointing alternate slates of electors to send competing electoral votes to the United States Congress.”

Thompson claims the committee is in possession of “communications reflecting your involvement in a coordinated strategy to contact Republican members of state legislatures in certain states that former President Trump had lost and urge them to ‘reclaim’ their authority by sending an alternate slate of electors that would support former President Trump.”

Arizona state Rep. Mark Finchem, a member of the fascist Oath Keepers group who is currently running for state secretary of state (the chief election officer), was also subpoenaed. Finchem played a leading role in the “Stop the Steal” movement and, as Thompson noted in his letter, he has admitted being at the Capitol on January 6 where he “took a few photos.”

Chair of the Arizona Republican Party Kelli Ward, who along with her husband filed lawsuits against the select committee to block them from seeking their phone records, was also subpoenaed on Tuesday. Ward, like Finchem, spread Trump’s bogus election lies and as Thompson wrote, “posted a video advancing unsubstantiated theories of election interference by Dominion Voting Systems along with a link to a donation page to benefit the Arizona Republican Party.”

In requesting Pennsylvania Republican state Rep. Douglas Mastriano’s appearance before the committee, Thompson cited his role in the elector scheme as well as the fact that Mastriano was “present during the attack on the US Capitol on January 6, 2021, and that you witnessed ‘agitators ... getting in the face of the police’ and ‘agitators ... start pushing the police up the [Capitol] steps.’”

Former Michigan state Rep. and former Republican state chair Laura Cox was also subpoenaed by the select committee on Tuesday. In his letter to Cox, Thompson wrote that she was “a witness when Rudy Giuliani pressured state lawmakers to disregard election results in Michigan and when he said that certifying the elections results would be a ‘criminal act.’”

While Giuliani is at the center of the fake elector scheme, Trump’s former personal lawyer has yet to appear before the select committee. He had previously been slated for deposition on February 8, however he refused to appear. In subsequent

statements Thompson has intimated that the committee is in negotiations with Giuliani, however, it does not appear that the committee will be issuing a criminal contempt referral, as it had previously for Stephen Bannon and former White House Chief of Staff Mark Meadows, both of whom previously refused to appear before the committee.

While Bannon has been charged by the Justice Department with criminal contempt of Congress, Meadows has yet to be charged by the DoJ over two months after Congress voted to hold him in contempt. On Wednesday, the *Washington Post* published some of the over 4,000 text messages Meadows turned over to the committee prior to ceasing cooperation. The texts show that Trump’s extra-legal and paramilitary efforts were well known by Republican politicians and Fox News personalities prior to January 6, 2021.

Illustrating that the Republicans planned to keep Trump in office regardless of the vote was a November 4, 2020, message from former Republican candidate for president and Texas Governor Rick Perry to Mark Meadows. The message reads: “HERE’s an AGGRESSIVE (sic) STRATEGY: Why can’t the states of [Georgia] [North Carolina] [Pennsylvania] and other R[epublican] controlled state houses declare this is BS (where conflicts and election not called that night) and just send their own electors to vote and have it go to the SCOTUS. [Supreme Court of the United States.]”

This would mean relying on the three Trump appointees on the high court, along with other far-right justices, to reprise the court’s role in 2000, when they blocked an ongoing recount in Florida and awarded the state’s electoral votes to Republican George W. Bush, making him the president rather than Democrat Al Gore.



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