



THE WHITE HOUSE  
WASHINGTON

September 13, 2022

Donald Wakeford  
Chief Senior Assistant District Attorney  
Fulton County District Attorney  
Via email

Dear Mr. Wakeford:

I understand that certain former Trump Administration officials and senior advisors to the former President have received subpoenas to testify before the special purpose grand jury convened on May 2, 2022, for the purpose of investigating the facts and circumstances relating to attempts to disrupt the lawful administration of the 2020 elections in Georgia, including the election for President of the United States. I further understand from counsel for certain of those individuals that there is a need to clarify President Biden's position regarding executive privilege.

President Biden recognizes the importance of candid advice in the discharge of a President's constitutional responsibilities and believes that, in appropriate cases, executive privilege should be asserted to protect either current or former White House senior staff from having to testify about conversations concerning the President's exercise of his duties. He believes that executive privilege plays a critical role in supporting the separation of powers and federalism principles fundamental to our constitutional system and in supporting his responsibilities to fulfill his duties as the chief executive.

However, the insurrection that took place on January 6, and the extraordinary events surrounding it, reflected the most serious attack on the operations of the Federal Government since the Civil War. These events threatened not only the safety of Congress and others present at the Capitol, but also the principles of democracy enshrined in our history and our Constitution. In light of these unique circumstances, President Biden has determined, as he did with respect to the Congressional investigation of these events, that an assertion of executive privilege is not in the public interest with respect to efforts to thwart the orderly transition of power under our Constitution. This determination covers: events within the White House on or about January 6, 2021; efforts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other similar efforts to alter valid 2020 election results or obstruct the transfer of power. The President believes that the constitutional protections of

executive privilege should not be used to shield information that reflects efforts to subvert the Constitution itself. Such an assertion in these circumstances would be at odds with the principles that underlie the purpose and the foundation of executive privilege.

Consequently, President Biden will not assert executive privilege with respect to the testimony of former Trump Administration officials before the special purpose grand jury in connection with any inquiries related to the subjects in the prior paragraph.

Please contact the undersigned if you have additional questions.

Sincerely,



Richard A. Sauber  
*Special Counsel to the President*