



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

February 10, 2026

Mr. David Warrington  
White House Counsel  
Office of the White House Counsel  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Mr. James Byron  
Designated Official Performing the Duties of Archivist of the United States  
National Archives and Records Administration  
700 Pennsylvania Avenue NW  
Washington, DC 20408

Re: Request for Preservation of and Prevention of the Destruction of Potential  
Presidential Records Created on President Trump's Personal Truth Social Account

Dear Messrs. Warrington and Byron:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the White House and National Archives and Records Administration (“NARA”) preserve and prevent the destruction of presidential records created on President Donald J. Trump’s personal Truth Social account (@realDonaldTrump) including, but not limited to, a recent video posted from the president’s account discussing debunked allegations of electoral tampering in the 2020 presidential election in Georgia that contained images depicting former President Barack Obama and former First Lady Michelle Obama as apes.

This record, and others related to or seeking to justify the Trump administration’s ongoing efforts to prove fraud in the 2020 election and nationalize future elections are likely presidential records that must be preserved by President Trump and NARA. Although, after facing widespread condemnation, President Trump eventually deleted his post containing racist imagery, there is no racism exemption for complying with the Presidential Records Act (“PRA”) and his post must be preserved.

#### **President Trump’s Abuse of the Presidential Records Act**

Throughout his first term in office, President Trump and other White House officials demonstrated a serious disregard for their recordkeeping responsibilities under the PRA. This conduct prompted three separate lawsuits challenging President Trump’s violations of

the PRA<sup>1</sup> and congressional letters urging the White House Counsel to ensure the Executive Office of the President complied fully with the statute.<sup>2</sup>

Congress enacted the PRA in 1978 to ensure both “the preservation of the historical record of future Presidents” and “public access to the materials” of a presidency.<sup>3</sup> Toward that end, the statute provides that “[t]he United States shall reserve and retain complete ownership, possession, and control of Presidential records[.]” 44 U.S.C. § 2202. The PRA directs the president to

take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of the President’s constitutional, statutory, or other official or ceremonial duties are adequately documented *and that such records are preserved and maintained as Presidential records pursuant to the requirements of this section and other provisions of law.* 44 U.S.C. § 2203(a) (emphasis added).

The PRA imposes a multi-step process on the president before any presidential records can be destroyed or disposed of, including obtaining the written views of the Archivist of the United States concerning any proposed destruction. 44 U.S.C. §§ 2203(c)(1)-(2). The PRA only permits destruction or disposal of presidential records that no longer have “administrative, historical, informational, or evidentiary value.” *Id.*

Presidential records are defined as:

documentary materials, or any reasonably segregable portion thereof, created or received by the President, the President’s immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. 44 U.S.C. § 2201(2).

NARA guidance makes clear that “[t]hese records can be in any media, including textual, audiovisual, and electronic.”<sup>4</sup>

Personal records are defined as:

documentary materials or any reasonably segregable portion thereof, of a purely private or nonpublic character, which do not relate to or have an effect upon the

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<sup>1</sup> *CREW v. Trump*, Civ. No. 17-1228 (D.D.C.) (filed June 22, 2017); *CREW v. Trump*, Civ. No. 19-1333 (D.D.C.) (filed May 7, 2019); *Nat'l Sec. Archive v. Trump*, Civ. No. 20-3500 (D.D.C.) (filed Dec. 1, 2020).

<sup>2</sup> See, e.g., Letter to Pat Cipollone, White House Couns. from Rep. Carolyn B. Maloney et. al. (Nov. 10, 2020), <https://oversightdemocrats.house.gov/imo/media/doc/2020-11-10%20Cmte.%20Chairs%20to%20White%20House%20and%20Agencies.pdf>.

<sup>3</sup> H.R. Rep. No. 95-1487, 95th Cong., 2d Sess. § 2 (1978).

<sup>4</sup> Nat'l Archives & Recs. Admin., Guidance on Presidential Records from the National Archives and Records Administration (accessed Feb. 8, 2026), <https://www.archives.gov/files/guidance-on-presidential-records-from-the-national-archives-and-records-administration-2020.pdf>.

carrying out of the constitutional, statutory, or other official or ceremonial duties of the President" and which include "diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business," "private political associations" and "materials relating exclusively to the President's own election to the office of the Presidency." 44 U.S.C. § 2201(3).

Social media posts can be considered presidential records. As the official NARA page for Archived Social Media for the Donald J. Trump Presidential Library states, "A number of Trump administration officials, including President Trump, used personal accounts when conducting government business. The National Archives will make the social media content from those designated accounts publicly available as soon as possible."<sup>5</sup>

### **President Trump's Use of Truth Social to Conduct Government Business**

Since returning to the White House, President Trump has repeatedly used his personal Truth Social account to conduct government business including giving directives for and informing the public about federal law enforcement operations.<sup>6</sup> For example, the president has given direction to Attorney General Pam Bondi to prosecute his perceived political enemies former FBI Director James Comey, Senator Adam Schiff and New York Attorney General Letitia James via Truth Social and publicly reported his directive for federal law enforcement to assist in investigating the kidnapping of journalist Savannah Guthrie's mother.<sup>7</sup> Similarly, in the hours after FBI agents seized 2020 election ballots from an elections facility in Fulton County, Georgia, the president "posted a series of thoroughly discredited conspiracy theories about the 2020 presidential election -- and the 2016 election too."<sup>8</sup>

Last week, in a flurry of late night posts about topics including allegations of fraud in the 2020 election, President Trump's account posted a video touting conspiracy theories about the election that also included a "blatantly racist" segment depicting the Obamas as apes.<sup>9</sup> When speaking to reporters on Air Force One about the post, the president admitted that he "looked at the first part, it was about voter fraud in some place, Georgia," but claimed

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<sup>5</sup> Archived Social Media, Donald J. Trump Presidential Libr. (accessed Feb. 8, 2026), <https://www.trumplibrary.gov/research/archived-social-media>.

<sup>6</sup> See, e.g., Kristen Welker & Rebecca Shabad, *Trump Accidentally Posted Message Pressuring Pam Bondi to Charge His Enemies*, *Source*ays, NBC (Oct. 10, 2025), <https://www.nbcnews.com/politics/justice-department/trump-accidentally-posted-message-pressuring-pam-bondi-charge-enemies-rcna236830>.

<sup>7</sup> Elvia Limon, *Trump Directing Federal Law Enforcement to Help Search for Savannah Guthrie's Missing Mother*, The Hill (Feb. 4, 2026), <https://thehill.com/homenews/5723792-trump-directs-federal-law-enforcement-search-nancy-guthrie>.

<sup>8</sup> Jonathan Karl, *Trump Posts Discredited Conspiracy Theories Following Seizure of 2020 Ballots in Georgia*, ABC News (Jan. 29, 2026), <https://abcnews.go.com/US/trump-posts-discredited-conspiracy-theories-seizure-2020-ballots/story?id=129669660>.

<sup>9</sup> Erica L. Green, Isabella Kwai, & Zolan Kanno-Youngs, 'I Didn't Make a Mistake': Trump Declines to Apologize for Racist Video of Obamas, N.Y. Times (Feb. 7, 2026), <https://www.nytimes.com/2026/02/06/us/politics/trump-obamas-video-apes-truth-social.html>.

he “didn’t see the whole thing.” As *The New York Times* described, the president “then tried to deflect blame” to staff, “suggesting he had given the link to someone else to post.” When pressed by reporters, the president declined to apologize, stating, “No, I didn’t make a mistake.” The post was widely condemned by Republican elected officials including Senator Tim Scott, who said he hoped the post was fake. Scott notably lamented such a post coming from the government, stating “it’s the most racist thing I’ve seen out of this White House” arguing that “The President should remove it” which occurred later that day.<sup>10</sup>

Unfortunately, removal cannot and should not be the end of the conversation. The message posted from President Trump’s social media account appears to be a presidential record that must be preserved under federal law. Investigating the alleged fraud in Georgia, as depicted in the video, was such a significant priority for the Trump administration that federal agents seized ballots and election equipment in Fulton County, Georgia last month and Director of National Intelligence Tulsi Gabbard arranged for the FBI agents who searched the facility to speak with the president after the raid.<sup>11</sup> He reportedly told the agents, “they were doing great work in searching and investigating Georgia’s elections.”<sup>12</sup>

The recent video transmitted by the president’s account is not “exclusively” related to the president’s past efforts to seek election, but instead pertains to the Trump administration’s ongoing effort to investigate erroneous allegations of voter fraud, nationalize federal elections and target his perceived political enemies for retribution. The president noted that the post was made from his account after his partial review of the video and direction to staff to disseminate it to the public through Trump’s Truth Social account because it was “about voter fraud” in Georgia.<sup>13</sup> Those admissions reveal that the post was not merely private or personal but a communication by the head of our government to the American public to better understand ongoing matters of government policy.

## **Conclusion**

President Trump has made relitigation of debunked election fraud conspiracies, sowing doubt on future elections and attacks on his perceived political enemies the cornerstone of his second term in office. Now, as he faces public criticism, including from Republican leadership, about the racist imagery in his post, the president wants to remove the image from the public record. The PRA demands preservation of this post and any others like it so that the public and future generations can accurately record the policy decisions and influences of the Trump presidency. The law includes no exception for racist records and the White House and NARA have a duty to ensure the records of a president who incited an insurrection to overturn one election and continues to undermine them upon his return to power are preserved for future generations.

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<sup>10</sup> *Id.*

<sup>11</sup> Luke Barr, Rachel Scott, & Beatrice Peterson, *Tulsi Gabbard Arranged Trump Call with FBI Agents After Georgia Election Raid: Sources*, ABC News (Feb. 2, 2026), <https://abcnews.go.com/US/dni-director-arranged-fbi-agents-searched-georgia-election/story?id=129794862>.

<sup>12</sup> *Id.*

<sup>13</sup> Green et. al., *supra* note 9.

Accordingly, we request that the White House Counsel's Office review the removal of this record and ensure it is preserved consistent with all applicable law. We further request that NARA ensure that the White House is preserving presidential records, like the deleted racist social media post, consistent with the PRA and subject to NARA's statutorily-mandated role in the destruction and disposition of presidential records. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "DKS".

Donald K. Sherman  
President  
Citizens for Responsibility and Ethics in  
Washington