

The Post's View

Opinion: Documents weren't the only things Trump tore up while in office



Former president Donald Trump speaks at a rally on Jan. 15 in Florence, Ariz. (Ross D. Franklin/AP)



By Editorial Board

Feb 9, 2022 at 4:35 p.m. EST

Former president Donald Trump liked the feel of tearing things up — figuratively, as he did with laws and norms of public service; but also literally, as he did with documents that he was required to preserve under the Presidential Records Act. Having refused to give his elected successor a smooth and orderly transition, Mr. Trump then skulked away to Mar-a-Lago in Florida with 15 boxes of [official documents](#) and mementos that should have gone to the National Archives.

Opinions to start the day, in your inbox. Sign up.

The Post [reported](#) this past weekend that Mr. Trump routinely destroyed briefing papers, schedules, articles, letters and memos, ripping them into quarters or smaller

pieces, leaving the detritus on his desk in the Oval Office, in the trash can of his private West Wing study or on the floor of Air Force One. Mr. Trump's aides were left to retrieve the pieces and piece them back together, sometimes hunting through special "burn bags" intended for classified material to find torn documents that needed to be reassembled and preserved. Recently, the committee investigating the Jan. 6 insurrection received [documents](#) from the National Archives and Records Administration (NARA) that appeared to have been torn apart and taped back together.

Mr. Trump broke the law. After President Richard M. Nixon's resignation, Congress passed a number of laws intended to preserve the integrity of documents and other materials from Nixon's presidency, and made the laws applicable to all future presidents. The [Presidential Records Act of 1978](#) ended the practice of records belonging to former presidents and declared that the United States shall "reserve and retain complete ownership, possession, and control of presidential records." The law requires a president to "take all such steps as may be necessary" to make sure the records are preserved — an important pillar of accountability in a democracy and also essential for historical understanding of the presidency.

Mr. Trump cannot plead ignorance. He was warned about the legal requirements by White House counsel Donald McGahn and by two chiefs of staff, Reince Priebus and John F. Kelly. Internal memos to the White House staff also warned in 2017 that destroying presidential records is a federal crime. On Wednesday, The Post [reported](#) that NARA had asked the Justice Department to examine Mr. Trump's handling of the records. Also, the National Security Archive, a nonprofit research group at George Washington University that filed [lawsuits](#) earlier seeking to protect documents of the Trump era, and Citizens for Responsibility and Ethics in Washington, a nonprofit government accountability group, sent a [letter](#) this week to the Justice Department calling for an investigation. Unfortunately, the records act lacks teeth, although other laws impose criminal penalties for willful destruction of records. As Tom Blanton, director of the nonprofit archive group, put it in 2020, we must "[prevent any bonfire of records in the Rose Garden.](#)"

Mr. Trump, who mercilessly attacked Hillary Clinton for using a private email server, turned out to be a slovenly steward of the people's property. He regarded himself as above the law, but he was not. What's left of the jigsawed and taped-up pages might not provide the thoroughgoing record of his presidency that the law demands, but they are a wrenching testament to his penchant for wanton destruction.

The Post's View | About the Washington Post Editorial Board

Editorials represent the views of The Washington Post as an institution, as determined through debate among members of [the Editorial Board](#), based in the Opinions section and separate from the newsroom.

Members of the Editorial Board and areas of focus: Deputy Editorial Page Editor [Karen Tumulty](#); Deputy Editorial Page Editor [Ruth Marcus](#); Associate Editorial Page Editor [Jo-Ann Armao](#) (education, D.C. affairs); [Jonathan Capehart](#) (national politics); [Lee Hockstader](#) (immigration; issues affecting Virginia and Maryland); [David E. Hoffman](#) (global public health); [Charles Lane](#) (foreign affairs, national security, international economics); [Heather Long](#) (economics); [Molly Roberts](#) (technology and society); and [Stephen Stromberg](#) (elections, the White House, Congress, legal affairs, energy, the environment, health care).