

TRUMP'S WHITE HOUSE DIDN'T ARCHIVE TWITTER DMS

After a long wait, Judge Aileen Cannon has finally docketed the exhibits behind Trump's motion to compel discovery in the Trump stolen documents case. Much of the dispute centers on claims that the Archives exhibited political bias because they wanted to archive Trump's presidential materials.

As such, the exhibits include details about NARA's efforts to archive the Twitter accounts Trump and others used during their tenure. NARA would later send Carol Maloney a version of this in 2022, which focused attention on tweets that people like Ivanka had deleted.

As that letter revealed, the exhibit reveals that Trump didn't start automatically preserving tweets until 2018, but took quite some time to include everyone in the archiving process.

Deleted Tweets from @realDonaldTrump Twitter account. In March 2017, NARA advised the Trump White House that it should capture and preserve all tweets that the President posts in the course of his official duties, including those that are subsequently deleted, as Presidential records, and NARA was informed by White House officials that they were, in fact, doing so. Since the end of the administration, we learned that the White House stopped using an automated tool to capture deleted Tweets in April 2020, and Twitter was unable to provide them to us after the fact. Accordingly, we were unable to obtain a complete set of these Presidential records from the White House. We are considering utilizing what was collected by non-governmental sources as an adjunct to our archival collection.

- In addition, no steps were taken to capture deleted content from any Trump Administration social media records other than @realDonaldTrump until the Administration procured a third party social media archiving tool in February 2018. After that, use of the tool was widespread but not timely. For example, most accounts were eventually enrolled but may have been active for weeks, months, or years prior to enrollment, during which time deleted content was not captured.

Whereas Ivanka's deleted tweets seemed particularly important in 2022, Andrew Giuliani – who had contact with Kellye SoRelle – look more important from this vantage.

NARA identified seven Twitter accounts which we believe contain PRA records but were not captured by the Trump Administration. NARA obtained the publicly available tweets at the end of the administration through a third party to supplement its archival collection. These include accounts from Andrew Giuliani, Chad Gilmartin, Ivanka Trump, Kayleigh McEnany, Kellyanne Conway, Mark Meadows, and Peter Navarro.

But the detail that takes on most new significance given what we've learned since is

that the White House didn't choose to archive DMs.

The third party tool used to capture social media content from Twitter, Instagram, and Facebook included the ability to capture direct messages on the platforms. The Administration opted to not enable capture of direct messages, but was unable to report whether direct messaging was used on any of the platforms by the account holders.

Again, this was in that 2022 letter to Maloney. But we now know that when Xitter tried to refuse to turn over material from Trump's account, Jack Smith pointed to the incomplete nature of what NARA had as one of his bases for needing to go to Xitter directly.

I still doubt that was the most important item that Smith was looking for. But Trump's earlier failures may have been part of what gave Smith cause to demand more important information on attribution from Elon Musk.