

United States Senate

WASHINGTON, DC 20510

February 24, 2023

VIA ELECTRONIC TRANSMISSION

Ms. Debra Steidel Wall
Acting Archivist
U.S. National Archives and Records Administration
700 Pennsylvania Ave, NW
Washington, DC 20408

Dear Ms. Wall:

On January 23, 2023, we wrote to you requesting information relating to the National Archives and Records Administration's (Archives) involvement, knowledge and role with respect to the existence of classified and unclassified documents at multiple locations from Joe Biden's vice presidency.¹ In that letter, we demanded that the Archives provide full transparency to Congress and the American people, and specifically requested that the agency disclose other locations where President Joe Biden stored records from his time as vice president.

Rather than provide our offices with an answer, on February 2, 2023, you wrote that we should "contact the Department of Justice with respect to their ongoing investigation of this matter."² Eight days after your response, the Associated Press published an article referencing now-public internal Archives emails indicating that your office knew in early November 2022 that Biden records were transported from the Penn Center to a law office in Boston.³ Based on the information contained in this article, it is now clear that despite knowing since early November 2022 that Biden records were in Boston, you appear to have intentionally withheld that specific information from Congress in your February 2, 2023, response.

This is unacceptable and it illustrates obstructive conduct.

In an effort to understand why you withheld this information, our offices spoke with Gary Stern, the Archives General Counsel. In short, it appears that the Department of Justice is dictating to the Archives what information can be shared with Congress and is therefore participating in the intentional withholding of information.⁴

¹ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, Jan. 23, 2023, <https://www.ronjohnson.senate.gov/2023/1/sens-johnson-grassley-national-archives-must-provide-transparency-about-joe-biden-s-classified-documents>.

² Letter from Debra Steidel Wall, Acting Archivist of the United States to Senator Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, Feb. 2, 2023 (enclosed).

³ Colleen Long and Seung Min Kim, *Archives wanted Boston Biden docs, not believed classified*, The Associated Press, Feb. 10, 2023, <https://apnews.com/article/biden-united-states-government-district-of-columbia-boston-c451c47d9d15d47e9d28af42a95df76f>.

⁴ Feb. 21, 2023 Phone call between Sen. Johnson and Grassley's office and Gary Stern, General Counsel for the National Archives and Records Administration.

Due to your failure to provide all the facts related to the Archives' knowledge with respect to the discovery of Biden records in Boston, please answer and provide the following no later than February 28, 2023:

1. Provide all records⁵ between the Archives and the Department of Justice relating to your response to our January 23, 2023, letter.
2. How and when did the Archives learn Biden records were transported from the Penn Center to Pat Moore's Boston office?⁶
3. Did the Archives notify the Archives Inspector General or the Department of Justice relating to the discovery of Biden records at Pat Moore's Boston office? If so, when?
4. How many Biden records were transported from the Penn Center to Pat Moore's Boston office?
5. On what date(s) were Biden records from the Penn Center transported to Pat Moore's Boston office?
6. Why did the Archives request the Biden records at Pat Moore's Boston office be transported to the JFK Library?⁷
 - a. Did these Biden records get transported to the JFK Library? If so, when and how many boxes/records?
7. Has the Archives reviewed the Biden records from Pat Moore's Boston office? If so, did the Archives discover classified material in the Biden records from Pat Moore's Boston office?
8. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has NARA requested to review those records? If not, why not?

⁵ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

⁶ Colleen Long and Seung Min Kim, *Archives wanted Boston Biden docs, not believed classified*, The Associated Press, Feb. 10, 2023, <https://apnews.com/article/biden-united-states-government-district-of-columbia-boston-c451c47d9d15d47e9d28af42a95df76f>. Pat Moore is one of Joe Biden's lawyers handling the preservation of documents.

⁷ *Id.*

9. Did any of the Biden records discovered at Pat Moore's Boston office include the pseudonyms and email addresses listed below that then-Vice President Biden used?
- "RobinWare456@gmail.com";
 - "Robert.L.Peters@pci.gov";
 - "JRB Ware"; and
 - "67stingray".

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Budget

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

Dr. Brett M. Baker
Inspector General
U.S. National Archives and Records Administration

Enclosure

Enclosure



Archivist of the
United States

February 2, 2023

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary

Dear Senators Johnson and Grassley:

I write in response to your letter of January 23, 2023, requesting information about the National Archives and Records Administration's "involvement, knowledge and role with respect to the existence of [Biden Vice Presidential] classified and unclassified documents." As a general matter, NARA treats all of its communications with the White House, DOJ, and the representatives of the former Presidents (and Vice Presidents) as presumptively confidential. Within that general limitation, please see our responses to each of your questions:

1. A timeline of NARA's interactions relating to the discovery of records, including those marked classified, from Joe Biden's vice presidency with the White House, Department of Justice, Federal Bureau of Investigation, Department of Homeland Security, NARA Office of Inspector General, Penn Biden Center for Diplomacy and Global Engagement, Joe Biden's attorneys, and any other federal or private entity involved.

Answer: NARA was contacted on November 2, 2022, and informed that some boxes in the Penn Biden center might contain classified information. NARA picked up the identified boxes on November 3, 2022. When NARA confirmed that the boxes contained classified information, NARA referred the matter to our OIG, who referred the matter to DOJ on November 4. Since then, DOJ has been in control of this issue. On January 12, 2023, the Attorney General appointed a Special Counsel to conduct the investigation of this issue. NARA has had no involvement in the subsequent searches of President Biden's residence.

2. How many documents were stored at the Penn Biden Center? Has NARA requested to review all of the other documents at this location or at any other? If not, why not?

Answer: Please contact the Department of Justice with respect to their ongoing investigation of this matter.

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3. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has NARA requested to review those records? If not, why not?

Answer: Please contact the Department of Justice with respect to their ongoing investigation of this matter.

4. Has there been any other instance in which NARA was apprised of or discovered that records marked classified from Joe Biden's vice presidency were located outside a government facility? If so, please provide all details.

Answer: No.

5. Has NARA requested the White House to provide all documents that include the pseudonyms and email addresses listed below that then-Vice President Biden used?

- a) "RobinWare456@gmail.com";
- b) "Robert.L.Peters@pci.gov";
- c) "JRB Ware"; and
- d) "67stingray".

Answer: NARA has requested that the representatives of former Presidents and Vice Presidents assess whether any materials previously assumed to be personal might contain Presidential or Vice Presidential records subject to the PRA, whether classified or unclassified.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

cc:

The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations, Committee
on Homeland Security and Governmental Affairs

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

Dr. Brett M. Baker
Inspector General
National Archives and Records Administration