

United States Senate

WASHINGTON, DC 20510

August 29, 2023

The Honorable Colleen Shogan
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Archivist Shogan:

We are continuing our oversight of then-Vice President Joe Biden's use of multiple pseudonyms and personal email addresses for official government business. We initially identified these pseudonyms and personal email addresses in a July 30, 2021, letter to the White House requesting information on what steps then-Vice President Biden took to ensure that he followed federal record-keeping and archival requirements.¹ The White House failed to respond to that letter and two additional letters on the same matter sent on June 28, 2022, and January 11, 2023.²

As a result of the Biden administration's lack of transparency and in light of reports of then-Vice President Biden's apparent mishandling of federal records including classified documents from his time as a U.S. Senator, we wrote to the acting archivist of the National Archives and Records Administration (NARA) on January 23, 2023, and February 24, 2023.³ As we noted in those letters to NARA, we are aware that then-Vice President Biden used the following pseudonyms and personal email addresses: "RobinWare456@gmail.com"; "Robert.L.Peters@pci.gov"; "JRB Ware"; and "67stingray".⁴

Based on NARA's June 24, 2022, response to a June 9, 2022, Freedom of Information Act (FOIA) request, we understand that NARA has identified "approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records" that may contain

¹ Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Dana Ann Remus, Counsel to the President, White House (July 30, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_white_house_counsel_-_biden_email.pdf.

² Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (June 28, 2022), <https://www.ronjohnson.senate.gov/services/files/AECCDFD8-2129-45EB-A18F-B11EB81CC902>; Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles E. Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (Jan. 11, 2023), <https://www.ronjohnson.senate.gov/services/files/A202FFC6-11F8-4D47-B732-D0EA2F75B9F0>.

³ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Jan. 23, 2023), <https://www.ronjohnson.senate.gov/services/files/B15D5A48-7F3D-4995-8408-CF6A30219290> (enclosed); Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Judiciary, to Debra Steidel Wall, Acting Archivist, National Archives and Records Administration (Feb. 24, 2023) (enclosed).

⁴ *Id.*

these pseudonyms and personal email addresses.⁵ Further, we understand that NARA has not produced any records connected to this specific FOIA request.⁶

As of June 2022, NARA stated that the records listed above were being “processed and reviewed for access under provisions of the P[residential] R[ecords] A[ct] and FOIA and are subject to the provisions of NARA regulations at 36 C.F.R. § 1270.46, which require that we notify the representatives of the former President and the incumbent President and the former Vice President prior to the release of any Vice-Presidential records.”⁷ Over a year after NARA claimed that then-Vice President Biden’s records were under review, and over two years since our first letter on the matter, it is unclear whether this process is near completion.

In order to better understand the review process for these records and to assist our over two-year inquiry into then-Vice President Biden’s use of personal email addresses for official government business, we request the following information:

1. Please provide a detailed update on the status of the review of the “approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records” that are connected to the Southeastern Legal Foundation’s June 9, 2022 FOIA request, including:
 - a. Which presidential offices participated in this review?
 - b. Have representatives of the current and former presidents completed the review of the records? If so, which offices have completed their review and when?
 - c. If not, how many records still need to be reviewed and by which office?
2. Regarding the discovery of Biden records in the Boston office of Pat Moore, as of March 7, 2023, NARA informed our offices that it had not reviewed the contents of the boxes found at Mr. Moore’s Boston office.⁸ Has NARA reviewed the contents of these boxes? If so, did any of the Biden records discovered at Mr. Moore’s Boston office 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”.

If not, is NARA confident that the “approximately 5,138 email messages, 25 electronic files and 200 pages of potentially responsive records” are the complete

⁵ Letter from Stephannie Oriabure, Archival Operations Division, National Archives and Records Administration, to Kimberly Hermann, Southeastern Legal Foundation (June 24, 2022), <https://www.slfliberty.org/wp-content/uploads/sites/12/2023/08/20230828-Complaint-Exhibit-4-Doc.-1-4.pdf>.

⁶ Victor Nava, National Archives has 5,400 Biden emails in which he uses fake names to dish government info to Hunter, others as VP: suit, N.Y. Post, Aug. 28, 2023, <https://nypost.com/2023/08/28/national-archives-admits-it-has-5400-biden-pseudonym-emails/>.

⁷ Letter from Stephannie Oriabure, Archival Operations Division, National Archives and Records Administration, to Kimberly Hermann, Southeastern Legal Foundation (June 24, 2022), <https://www.slfliberty.org/wp-content/uploads/sites/12/2023/08/20230828-Complaint-Exhibit-4-Doc.-1-4.pdf>.

⁸ Letter from Debra Steidel Wall, Acting Archivist, National Archives and Records Administration Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations and Charles E. Grassley, Ranking Member, Committee on the Budget (Mar. 7, 2023) (enclosed).

subset of records that contain Biden's pseudonyms and personal email addresses used for official government business? Please explain.

3. Please produce all records that have been identified responsive to the Southeastern Legal Foundation's June 9, 2022 FOIA request.

Please provide this information as soon as possible but no later than September 12, 2023. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Budget

Enclosure

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dr. Brett Baker
Inspector General
National Archives and Records Administration

Mr. Richard Sauber
Special Counsel to the President
Office of the White House Counsel
The White House

Enclosure

United States Senate
WASHINGTON, DC 20510

January 23, 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:

We write today relating to the discovery of “documents marked classified from Joe Biden’s vice presidency” that have been found at multiple locations.¹ Since July 30, 2021, we have raised concerns about whether then-Vice President Joe Biden stored and archived government records in compliance with federal records laws. We request that NARA provide full transparency regarding its involvement, knowledge and role with respect to the existence of these classified and unclassified documents.

By way of background, on June 7, 2021, we requested that NARA provide documents in furtherance of our investigation into the Biden family’s financial dealings and potential conflicts of interest.² NARA declined to provide those records. On July 30, 2021, and June 28, 2022, we asked the White House about then-Vice President Joe Biden’s use of non-government email for government business, the transmission of government information to his son, Hunter Biden, and compliance with federal records laws.³ To date, the White House has failed to respond to those requests.

¹ Adriana Diaz, Andres Triay, Arden Farhi, More Biden documents marked classified found in at least one other location, Jan. 11, 2023, CBS News, <https://www.cbsnews.com/news/more-biden-documents-marked-classified-two-other-locations/>.

² Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to David S. Ferriero, Archivist of the United States, U.S. National Archives and Records Administration, (June 7, 2021).

³ Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Dana Ann Remus, Counsel to the President, White House (July 30, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_white_house_counsel_-_biden_email.pdf; Letter from Ranking Member Ron Johnson, Permanent Subcomm. on Investigations, and Ranking Member Charles Grassley, S. Comm. on the Judiciary, to Richard Sauber, Special Counsel to the President, White House (June 28, 2022), <https://www.ronjohnson.senate.gov/2022/6/sens-johnson-and-grassley-the-whitehouse-has-failed-to-explain-whether-joe-biden-continues-to-use-non-government-email-for-official-business>; Miranda Devine, Veep Joe Biden skirted ‘no see’ mail law with private accounts, The New York Post (July 23, 2021), <https://nypost.com/2021/07/23/vp-joe-biden-skirted-no-see-mail-law-with-privateaccountsdevine/>.

See also, Senate Judiciary Committee Hearing: Oversight of the Federal Bureau of Investigation,

In order for Congress to perform an independent and objective review of NARA's involvement in this matter and whether other federal agencies have properly involved NARA, please answer the following questions relating to NARA's process and procedure to ensure that its federal responsibilities have been met no later than February 2, 2023:

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.
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?
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?
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.
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".

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Judiciary

Questions for the Record from Ranking Member Charles Grassley (August 11, 2022) [asking questions relating to the FBI raid on former President Trump's residence and requesting related predicated documents to publicly show the basis of the criminal investigation including any alleged federal records violations].

Ms. Debra Steidel Wall
Jan. 23, 2023
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cc: The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

Dr. Brett M. Baker
Inspector General



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.

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

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



Archivist of the
United States

March 7, 2023

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

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

Dear Senators Johnson and Grassley:

I write in response to your letter of February 24, 2023, requesting information about the National Archives and Records Administration's "knowledge with respect to the discovery of Biden records in Boston." As I noted in my January 23, 2023, letter to you, "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." NARA General Counsel Gary M. Stern then explained to your staff in the February 21, 2023, phone call referenced in your letter that, in light of the ongoing Department of Justice (DOJ) Special Counsel law enforcement investigation into this matter, NARA must necessarily consult with DOJ before we can respond to questions or document requests seeking non-public information about this issue in order to protect the integrity of DOJ's ongoing investigation. Having done so in preparing this response, please see our responses to each of your questions:

1. Provide all records between the Archives and the Department of Justice relating to your response to our January 23, 2023, letter.

Answer: NARA generally does not release records concerning interagency deliberations regarding responses to Congress.

2. How and when did the Archives learn Biden records were transported from the Penn Center to Pat Moore's Boston office?

Answer: When NARA contacted President Biden's personal counsel on November 3, 2022, to arrange to pick up boxes from the Penn Biden Center in Washington, DC, they informed NARA that Mr. Moore had moved other boxes from the Penn Biden Center to Mr. Moore's law firm in Boston.

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?

Answer: Yes, when NARA referred this matter to the Office of Inspector General on November 4, 2022, NARA informed the OIG that some boxes had been moved to Boston.

4. How many Biden records were transported from the Penn Center to Pat Moore's Boston Office?

Answer: NARA staff retrieved nine boxes from Mr. Moore's Boston office.

5. On what date(s) were Biden records from the Penn Center transported to Pat Moore's Boston office?

Answer: NARA was informed that President Biden's counsel began their review of the materials in the Penn Biden Center in October 2022 and had moved some boxes to Boston. NARA does not know the precise date(s) when that occurred.

6. Why did the Archives request the Biden records at Pat Moore's Boston office be transported to the JFK Library?

a. Did these Biden records get transported to the JFK Library? If so, when and how many boxes/records?

Answer: DOJ requested that NARA pick up the nine boxes that were at Mr. Moore's office. NARA did so on November 9, 2022, and secured them in NARA's John F. Kennedy Presidential Library in Boston, our nearest facility.

7. Has the Archives reviewed the Biden records from Pat Moore's Boston office? If so, did Archives discover classified material in the Biden records from Pat Moore's Boston Office?

Answer: NARA has not reviewed the contents of the boxes found at Mr. 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?

Answer: NARA only has direct knowledge about boxes that were located at the Penn Biden Center and at Mr. Moore's office in Boston. NARA has informed DOJ that, in accordance with the Presidential Records Act (PRA), any Presidential or Vice Presidential records that DOJ obtains from any other location must be returned to NARA no later than the conclusion of their investigation.

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?

a. "RobinWare456@gmail.com";

- b. "Robert.L.Peters@pci.gov";
- c. "JRB Ware"; and
- d. "67stingray".

Answer: NARA has not reviewed the contents of the boxes found at Mr. Moore's Boston office.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

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