

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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MINORITY (202) 225-5074
<https://oversight.house.gov>

August 10, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
700 Pennsylvania Avenue NW
Washington, D.C. 20408

Dear Ms. Wall:

On August 8, 2022, several dozen Federal Bureau of Investigation (FBI) agents descended upon Mar-a-Lago—the private residence of former President Donald J. Trump. According to media reports, the FBI executed a search warrant to retrieve “documents sought by the National Archives [and Records Administration]” (NARA).¹ Law enforcement raiding a former president’s residence is unprecedented. Committee Republicans are concerned that NARA would utilize the FBI to gather documents that the president, by the very nature of his constitutional role, could declassify himself, if this was indeed the case as media has reported. The Biden Administration is continuing to weaponize the FBI against political rivals. To better understand the circumstances and NARA’s role, if any, in the FBI raid, Oversight Republicans request an immediate briefing on this matter. Additionally, we request that you ensure preservation of all documents and communications referring or relating to the warrant executed by the FBI on August 8, 2022 at Mar-a-Lago.

The FBI and NARA’s actions—apparently to enforce the Presidential Records Act (PRA)—are so contrary to the customary treatment of former administrations that it begs scrutiny into whether a political motivation underlay the raid. According to President Trump, the unannounced raid on his home occurred the morning of August 8, when President Trump was not home, and included breaking into his safe.² Additionally, President Trump stated he has been “working and cooperating” with the relevant agencies, which is corroborated by previous reporting of NARA’s January 2022 retrieval of 15 boxes of documents from Mar-a-Lago, which were mostly “mementos, gifts, letters from world leaders and other correspondence.”³ As noted

¹ Eric Beech, *Eric Trump: FBI raid conducted over documents sought by National Archives*, REUTERS (Aug. 8, 2022); see also Alex Leary, Sadie Gurman and Aruna Viswanatha, *FBI Searches Trump’s Florida Home Mar-a-Lago in Document Investigation*, WALL ST. J. (Aug. 9, 2022).

² Statement by Donald J. Trump, 45th President of the United States, Aug. 8, 2022, available at https://saveamerica.nucleusemail.com/amplify/v/XeHZxcJVhW?hids=BP4DIIjL6k&utm_medium=email_hf&utm_source=ncl__&utm_campaign=20220808__sa&utm_content=__4736&_nlid=P3ZmaFXGvZ&_nhids=BP4DIIjL6k.

³ Jacqueline Alemany, Josh Dawsey, Tom Hamburger and Ashley Parker, *National Archives had to retrieve Trump White House records from Mar-a-Lago*, WASH. POST (Feb. 7, 2022).

in February, “[a]ll recent administrations have had some Presidential Records Act violations...[and] White House documents from multiple administrations have been retrieved by the Archives after a president has left office.”⁴ For example, Hillary and President Bill Clinton “had to return thousands of dollars worth of gifts...[and] the Clintons left the White House with \$28,000 in furnishings” from the White House.⁵

NARA’s singling out of President Trump’s handling of official records stands starkly in contrast to the way NARA has treated far clearer violations committed by politicians and officials who are not Republicans. As has been widely reported for years, Secretary of State Hillary Clinton “did not have a government email address during her four-year tenure at the State Department[,]”⁶ aides “took no actions to have her personal emails preserved...as required by the Federal Records Act[,]”⁷ and emails included classified information,⁸ but faced no repercussions—let alone an FBI raid—which demands an explanation for the disparate treatment received by President Trump, her once-rival. Since Hillary Clinton has never been President of the United States, she had a much more limited ability to declassify documents than President Trump, who was chief executive. Secretary Clinton also deleted over 31,000 emails after receiving a subpoena for them by the House Select Committee on Benghazi, which was met with the FBI’s apathy.⁹ Committee Republicans are content to leave Secretary Clinton to her retirement, yet the FBI and NARA’s behavior towards President Trump deserves an explanation as to why the latter deserved a raid by the FBI.

Committee Republicans demand answers about the FBI and NARA’s investigation of President Trump and any coordination between the two agencies. The seeming weaponization of the federal government against President Biden’s political rivals cannot go unchecked, and if NARA is working to further these efforts, it will be only the latest agency to lose its credibility in the eyes of the American people under the Biden Administration. To assist Committee Republicans in conducting oversight over NARA’s participation in this shameful episode in American history, please make arrangements to provide a Member-level briefing as soon as possible, but no later than August 17, 2022.

Additionally, please provide the following documents, covering the time period from January 20, 2021 to the present, no later than August 24, 2022:

1. All documents and communications between any employee or agent of NARA and the FBI or Department of Justice, including the Offices of the United States Attorneys, regarding former President Trump;

⁴ *Id.*

⁵ *Id.*

⁶ Michael S. Schmidt, *Hillary Clinton Used Personal Email Account at State Dept., Possibly Breaking Rules*, N.Y. TIMES (Mar. 2, 2015).

⁷ *Id.*

⁸ *FBI recommends no charges against Hillary Clinton over emails*, BBC NEWS (Jul. 6, 2016).

⁹ *Id.*

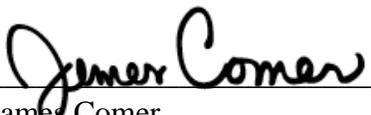
2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump;
3. All documents produced or contributed to by any employee or agent of NARA and submitted to a U.S. federal district court, magistrate, or judge; and
4. All documents and communications sufficient to show the process by which NARA collects documents after a presidential transition.

In addition, we request that you preserve all responsive documents, communications, and other data (“records”) that may be required for our oversight and investigative duties. Accordingly, we request that you:

1. Preserve all e-mail, electronic documents, and data (“electronic records”) **from January 20, 2021** related to former President Trump’s papers. For the purposes of this request, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible;
2. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors and consultants who may have access to such electronic records that they are to be preserved; and
3. If it is the routine practice of any agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

To schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform has specific jurisdiction over NARA under House Rule X. Additionally, the Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your attention to this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations

Acting Archivist Wall

August 10, 2022

Page 4 of 5



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



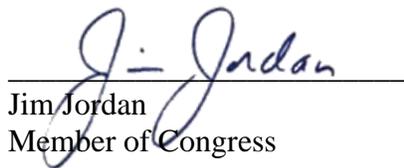
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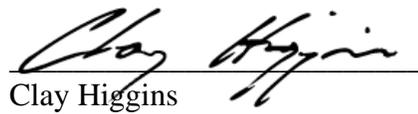
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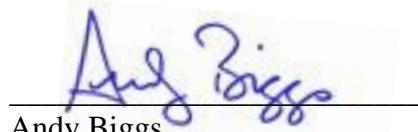
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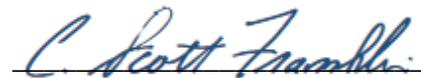
Andy Biggs
Member of Congress

Acting Archivist Wall

August 10, 2022

Page 5 of 5


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cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
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The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties