

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

January 10, 2023

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

Dear Ms. Steidel Wall:

The Committee on Oversight and Accountability is investigating whether there is a political bias at the National Archives and Records Administration (NARA). For months, NARA failed to disclose to Committee Republicans or the American public that President Biden—after serving as Vice President—stored highly classified documents in a closet at his personal office.¹ NARA learned about these documents days before the 2022 midterm elections and did not alert the public that President Biden was potentially violating the law. Meanwhile, NARA instigated a public and unprecedented FBI raid at Mar-a-Lago—former President Trump’s home—to retrieve presidential records. NARA’s inconsistent treatment of recovering classified records held by former President Trump and President Biden raises questions about political bias at the agency.

In the aftermath of the FBI’s August 8, 2022, raid of Mar-a-Lago, NARA attempted to both minimize its role in the matter and explain that the Obama-Biden Administration’s handling of documents was proper and complete. In an October 11, 2022, statement, NARA claimed it had assumed physical custody of all Obama-Biden Administration records when the President and Vice President left office.² NARA claimed, “[r]eports that indicate or imply that those Presidential records were in the possession of the former Presidents or their representatives, after they left office, or that the records were housed in substandard conditions, are false and misleading.”³ NARA’s statement was apparently false and never corrected after learning that President Biden stored classified documents at Penn Biden Center.⁴

On November 2, 2022, a week before the midterm elections, President Biden’s personal attorneys—whose level of security clearance remains unknown—“discovered” classified Obama-Biden Administration documents that were quietly handed off to the U.S. Department of

¹ Showna Chen, *Classified docs from Biden’s VP days found in private office*, AXIOS (Jan. 9, 2023).

² *Statement*, NATIONAL ARCHIVES (Oct. 11, 2022), available at <https://www.archives.gov/press/press-releases/2022/nr22-001>.

³ *Id.*

⁴ *Id.*

Justice without executing a residential search warrant.⁵ The documents retrieved from President Biden’s personal office included documents designated as “sensitive compartmented information . . . which is used for highly sensitive information obtained from intelligence sources.”⁶

NARA’s public enforcement of the Presidential Records Act against former President Trump while failing to disclose violations by President Biden to Committee Republicans and the American public raises concerns about inconsistent policy and procedures at the agency that creates the appearance of political bias. As such, please provide the following documents and information as soon as possible, but no later than January 24, 2023:

1. All documents and communications between NARA and the White House related to classified documents at the Penn Biden Center;
2. All documents and communications between and among NARA employees, including Gary Stern and John Hamilton related to classified documents at the Penn Biden Center;
3. All documents and communications between NARA and the Department of Justice related to classified documents at the Penn Biden Center; and
4. All documents and communications between NARA and any outside entity, including President Biden’s attorneys, related to classified documents at the Penn Biden Center.

Additionally, we request that you make Gary Stern, NARA General Counsel, and John Hamilton, NARA Director of Congressional Affairs, available for transcribed interviews with Committee staff regarding this matter. Please schedule these interviews no later than January 17, 2023.

The Committee on Oversight and Accountability has specific jurisdiction over NARA under House Rule X. Additionally, the Committee on Oversight and Accountability 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. If you have any questions about this request, please contact Committee on Oversight and Accountability staff at (202) 225-5074.

Thank you for your prompt attention to this important investigation.

⁵ Jamie Gangel, Marshall Cohen, Evan Perez & Phil Mattingly, *Classified documents from Biden’s time as VP discovered in private office*, CNN.COM (Jan. 9, 2023).

⁶ *Id.*

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a horizontal line underneath the name.

James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability