

United States Senate

WASHINGTON, DC 20510

January 11, 2023

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

Dear Mr. Sauber:

We write about the recent discovery of “documents marked classified from Joe Biden’s vice presidency” that were found at the Penn Biden Center for Diplomacy and Global Engagement (“Penn Biden Center”) in Washington, D.C.¹ These documents were located on November 2, 2022, when attorneys for President Biden “were packing files housed in a locked closet to prepare to vacate” the Penn Biden Center office space.² The discovery of these documents raises questions about whether then-Vice President Joe Biden properly followed the Presidential Records Act and the possibility that other documents have not been properly archived.

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 and the transmission of government information to his son, Hunter Biden.³ We also asked about what steps then-Vice President Biden took to ensure all government records were properly archived.⁴ Our June 28, 2022, letter was addressed to you and the following day you wrote in an email to our staff, “I can say that the Biden/Harris Administration recognizes and understands the federal

¹ Adriana Diaz, Andres Triay, Arden Farhi, U.S. attorney reviewing documents marked classified from Joe Biden’s vice presidency found at Biden think tank, Jan. 10, 2023, CBS News, <https://www.cbsnews.com/news/biden-center-classified-documents/?ftag=CNM-00-10aab7e&linkId=196611442>.

² *Id.*

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-white-house-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-private-accountsdevine/>. *See also*, Senate Judiciary Committee Hearing: Oversight of the Federal Bureau of Investigation, 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 predating documents to publicly show the basis of the criminal investigation including any alleged federal records violations]

⁴ *Id.*

records laws.”⁵ The Biden Administration may understand the federal records laws but it does not appear that they were properly followed by then-Vice President Biden.

Aside from your brief and vague email to our staff, the White House has failed to respond to our previous letters. In light of the recent news regarding the inappropriate storage of classified documents, the White House must immediately provide transparency relating to then-Vice President Biden’s archiving of records. Please answer the following and provide the requested information no later than January 25, 2023:

1. What steps did then-Vice President Biden take to ensure that all his government emails and related communications were properly stored and archived?
2. Does President Biden use non-governmental email, including the following addresses and pseudonyms, to communicate government business or email his family members government information? If so, what steps have been taken to ensure that those communications satisfy federal record-keeping and archival requirements?
 - a) “RobinWare456@gmail.com”;
 - b) “Robert.L.Peters@pci.gov”;
 - c) “JRB Ware”; and
 - d) “67stingray”.
3. With respect to the documents that are reportedly marked classified, what is the classification level for each document?
4. Why is the Penn Biden Center vacating its office space in Washington, D.C.? When was this decided?
5. Please provide the name(s) of the attorneys who “were packing files” at the Penn Biden Center.
6. How many documents were packed at the Penn Biden Center? Has the National Archives requested to review all of the other documents at this location?
7. Are there other locations where President Joe Biden has stored records from his time as vice president? If so, has the National Archives requested to review those documents?

⁵ June 29, 2022, email from Richard Sauber, Special Counsel to the President to the committees. On file with the committees.

8. Has the National Archives requested the White House to provide all documents that include the pseudonyms and email addresses listed above that then-Vice President Biden used?

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Judiciary

cc: The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Chairman
Committee on the Judiciary

Ms. Debra S. Wall
Acting Archivist
National Archives and Records Administration