

From: (b) (6) <(b) (6)>
Sent time: 08/09/2022 04:02:13 PM
To: john.hamilton@nara.gov
Subject: Letter
Attachments: 2022.08.09_Acting Archivist_Records Production and Preservation.pdf

John,
Please see the attached letter.

(b) (6)

HPSCI

AMERICA FIRST LEGAL FOUNDATION

Michael R. Turner, Ohio
Ranking Member

Brad R. Wenstrup, Ohio
Chris Stewart, Utah
Rick Crawford, Arkansas
Elise M. Stefanik, New York
Markwayne Mullin, Oklahoma
Trent Kelly, Mississippi
Darin LaHood, Illinois
Brian Fitzpatrick, Pennsylvania
Mike Gallagher, Wisconsin

Kevin McCarthy, California
Republican Leader

UNCLASSIFIED
U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE MINORITY

HVC-304, The Capitol
Washington, DC 20515
202-225-4121

Adam Howard
Minority Staff Director

August 9, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Acting Archivist Wall:

Yesterday, agents with the Federal Bureau of Investigation (FBI) conducted a search of former President Trump's Mar-a-Lago residence, purportedly based upon a referral from the National Archives and Records Administration (NARA) to investigate former President Donald Trump's handling of classified White House records.¹ Former Archivist David Ferriero confirmed that NARA had been in communication with the Department of Justice (DOJ) over records that were previously transferred from President Trump because classified information was allegedly found within those boxes.²

I would assume that an escalation of this magnitude – for the Bureau to obtain a court ordered-search warrant and conduct an unannounced search, for the first time in our country's history, to seize documents stored at a former President's residence – would indicate that the Federal government perceived something in those documents posed a serious, ongoing threat to our national security. As such, the substance of any communications between NARA, the FBI, and/or the DOJ, including whether any formal criminal referral was made by NARA related to what was ultimately seized by the FBI yesterday and the basis for such referral, is of keen interest to the investigative and legislative activities of this Committee.³

Please produce all documents and communications responsive to these matters to the Committee no later than August 24, 2022.

In addition, it is therefore necessary that you preserve all relevant documents and communications that may refer or relate to this matter, including those on official governmental accounts and on personal, non-governmental accounts. Specifically, this preservation request should be construed as an instruction to preserve all documents, communications, and other information, including electronic information and metadata, that is or may be potentially

¹ Caroline Linton, *Trump says Mar-a-Lago was 'raided' by FBI*, CBS News (Aug. 9, 2022), <https://www.cbsnews.com/news/donald-trump-mar-a-lago-fbi-search-warrant-raid/>.

² Letter from David Ferriero, Archivist of the United States, to Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight & Reform (Feb. 18, 2022).

³ H. Rule X, clause 11(c)(2).

UNCLASSIFIED

responsive to a congressional inquiry, request, investigation, or subpoena that may be initiated or otherwise undertaken by a committee of Congress or any other investigative entity.

For purposes of this request, “preserve” means securing and maintaining the integrity of all relevant documents, communications, and other information, including electronic information and metadata, by taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, mutation, or negligent or reckless handling that could render the information incomplete or inaccessible. This includes preserving all compilations of documents that have already been gathered in response to requests, even if copies of individual documents may still exist elsewhere in the agency. I further request that you or your designee:

1. Exercise reasonable efforts to identify and notify all relevant individuals, including current and former employees, officials, detailees, contractors, subcontractors, and consultants who may have had access to potentially relevant information that they should preserve and return such information to NARA;
2. Exercise reasonable efforts to identify, recover, and preserve any potentially relevant electronic information that has been deleted or marked for deletion but is still recoverable;
3. Remind all relevant individuals, including current and former employees, officials, detailees, contractors, subcontractors, and consultants that any federal records sent or received using a nonofficial account must be forwarded to the agency for proper archiving, and forward all such material in your possession; and
4. If it is the routine practice of yours, or any relevant individuals, including current and former employees, officials, detailees, contractors, subcontractors, or consultants to destroy or otherwise alter potentially relevant information, either halt such practices as they relate to the potentially relevant information or arrange for the preservation of complete and accurate duplicates (including metadata) of such documents, communications, or other information.

Please advise in writing as to how you will ensure all records relevant to this matter will be preserved. Thank you for your attention to this request.

Sincerely,



Michael R. Turner
Ranking Member

From: (b) (6) <(b) (6)>
Sent time: 08/09/2022 04:08:51 PM
To: (b) (6)@nara.gov; (b) (6)@nara.gov
Subject: FW: Letter
Attachments: 2022.08.09_Acting Archivist_Records Production and Preservation.pdf

See below

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Sent: Tuesday, August 9, 2022 4:02 PM
To: john.hamilton@nara.gov
Subject: Letter

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HPSCI

AMERICA FIRST LEGAL FOUNDATION

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August 9, 2022

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Please produce all documents and communications responsive to these matters to the Committee no later than August 24, 2022.

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Please advise in writing as to how you will ensure all records relevant to this matter will be preserved. Thank you for your attention to this request.

Sincerely,



Michael R. Turner
Ranking Member

From: (b) (6) <(b) (6)>
Sent time: 08/10/2022 02:28:52 PM
To: debra.wall@nara.gov
Cc: congress.affairs@nara.gov; john.hamilton@nara.gov; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
BCc: (b) (6)@nara.gov
Subject: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: 2022-08-10 - NARA- MAL.pdf

Ms. Wall,

Please see the attached letter from Congressman James Comer, Ranking Member of the House Committee on Oversight and Reform. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing back from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Committee on Oversight and Reform | Ranking Member James Comer
2105 Rayburn | Washington, DC 20515 | (202) 225-5074

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You received this message because you are subscribed to the Google Groups "Congress Affairs" group.

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To view this discussion on the web visit

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AMERICA FIRST LEGAL FOUNDATION

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
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=BP4DI1jL6k&utm_medium=email_hf&utm_source=ncl__&utm_campaign=20220808__sa&utm_content=__4736&_nlid=P3ZmaFXGvZ&_nhids=BP4DI1jL6k.

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.*

Acting Archivist Wall

August 10, 2022

Page 3 of 5

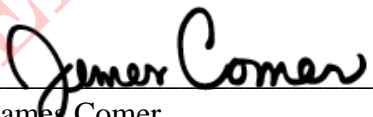
2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump;
3. All documents produced or contributed to by any employee or agent of NARA and submitted to a U.S. federal district court, magistrate, or judge; and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

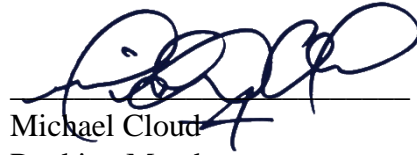
Page 4 of 5



Glenn S. Grothman

Ranking Member

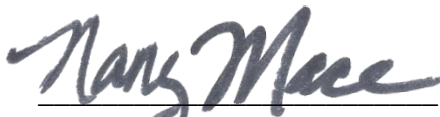
Subcommittee on National Security



Michael Cloud

Ranking Member

Subcommittee on Economic and
Consumer Policy



Nancy Mace

Ranking Member

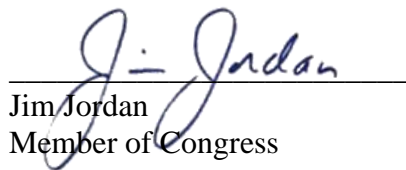
Subcommittee on Civil Rights and
Civil Liberties



Yvette Herrell

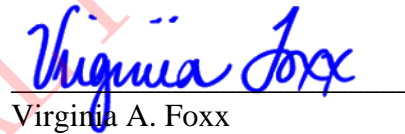
Ranking Member

Subcommittee on Environment



Jim Jordan

Member of Congress



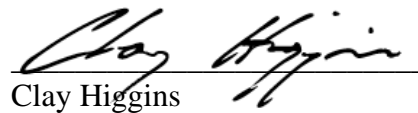
Virginia A. Foxx

Member of Congress



Bob Gibbs

Member of Congress



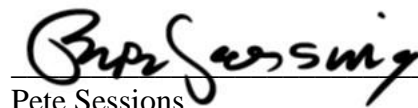
Clay Higgins

Member of Congress



Ralph Norman

Member of Congress



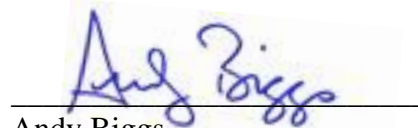
Pete Sessions

Member of Congress



Fred Keller

Member of Congress



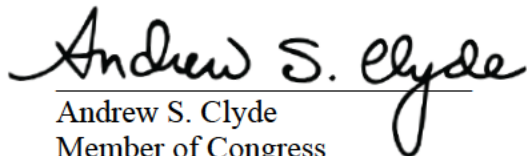
Andy Biggs


Member of Congress


Acting Archivist Wall

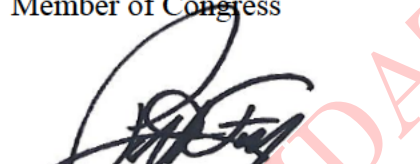
August 10, 2022


Page 5 of 5

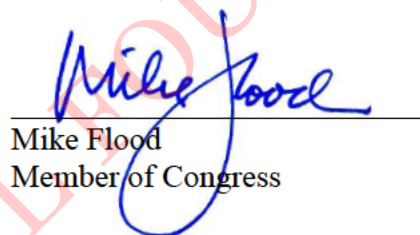

Andrew S. Clyde
Member of Congress


C. Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Byron Donalds
Member of Congress


Mike Flood
Member of Congress

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
Subcommittee on Environment

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

From: (b) (6) <(b) (6)>
Sent time: 08/10/2022 02:31:07 PM
To: (b) (6) @nara.gov; (b) (6) @nara.gov
Cc: (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
Subject: FW: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: 2022-08-10 - NARA- MAL.pdf

Good afternoon,

I received John's out of office so I wanted to make sure that you all received the attached letter to Ms. Wall from Ranking Member Comer and Oversight Republicans.

Thank you,

(b) (6)

From: (b) (6)
Sent: Wednesday, August 10, 2022 2:29 PM
To: debra.wall@nara.gov
Cc: congress.affairs@nara.gov; john.hamilton@nara.gov; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
Subject: Letter from Ranking Member James Comer and Oversight Committee Republicans

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Committee on Oversight and Reform | Ranking Member James Comer
2105 Rayburn | Washington, DC 20515 | (202) 225-5074

AMERICA FIRST LEGAL FOUNDATION

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 10, 2022

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Dear Ms. Wall:

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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

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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=BP4DI1jL6k&utm_medium=email_hf&utm_source=ncl__&utm_campaign=20220808__sa&utm_content=__4736&_nlid=P3ZmaFXGvZ&_nhids=BP4DI1jL6k.

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

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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.*

Acting Archivist Wall

August 10, 2022

Page 3 of 5

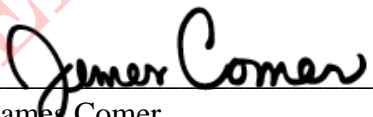
2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump;
3. All documents produced or contributed to by any employee or agent of NARA and submitted to a U.S. federal district court, magistrate, or judge; and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

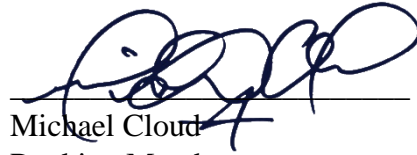
Page 4 of 5



Glenn S. Grothman

Ranking Member

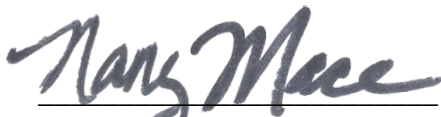
Subcommittee on National Security



Michael Cloud

Ranking Member

Subcommittee on Economic and
Consumer Policy



Nancy Mace

Ranking Member

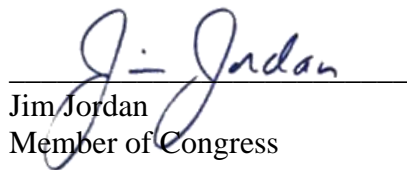
Subcommittee on Civil Rights and
Civil Liberties



Yvette Herrell

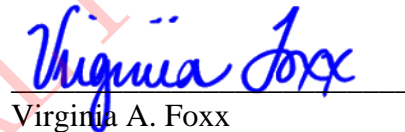
Ranking Member

Subcommittee on Environment



Jim Jordan

Member of Congress



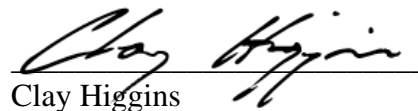
Virginia A. Foxx

Member of Congress



Bob Gibbs

Member of Congress



Clay Higgins

Member of Congress



Ralph Norman

Member of Congress



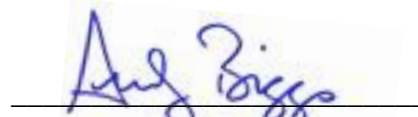
Pete Sessions

Member of Congress



Fred Keller

Member of Congress



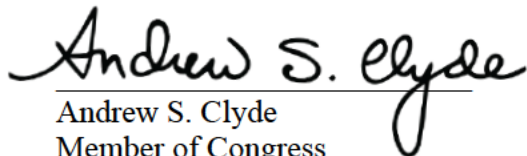
Andy Biggs


Member of Congress


Acting Archivist Wall

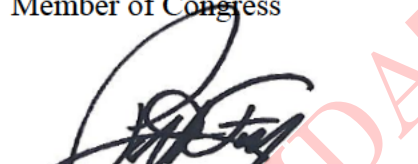
August 10, 2022

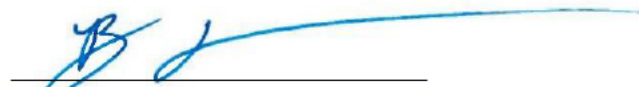
Page 5 of 5

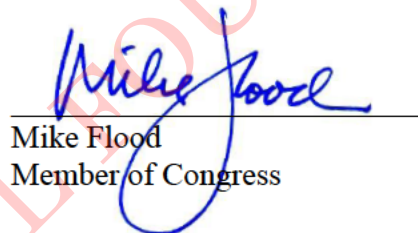

Andrew S. Clyde
Member of Congress


C. Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Byron Donalds
Member of Congress


Mike Flood
Member of Congress

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
Subcommittee on Environment

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

From: Debra Wall <debra.wall@nara.gov>
Sent time: 08/10/2022 02:40:30 PM
To: (b) (6) <(b) (6)>
Cc: congress.affairs@nara.gov; john.hamilton@nara.gov; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
BCc: (b) (6) @nara.gov; (b) (6) @nara.gov; groups.archive1@nara.gov; (b) (6) @nara.gov
Subject: Re: Letter from Ranking Member James Comer and Oversight Committee Republicans

Confirming receipt. Thank you.

On Wed, Aug 10, 2022 at 2:29 PM (b) (6) <(b) (6)> wrote:

Ms. Wall,

Please see the attached letter from Congressman James Comer, Ranking Member of the House Committee on Oversight and Reform. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing back from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Committee on Oversight and Reform | Ranking Member James Comer

2105 Rayburn | Washington, DC 20515 | (202) 225-5074

AMERICA FIRST LEGAL FOUNDATION

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 08/16/2022 02:40:02 PM
To: (b) (6) <(b) (6)>
Cc: (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
BCc: (b) (6)@nara.gov
Subject: Re: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: Wall Response to 08-10-2022 Comer Letter_Signed .pdf

Dear (b) (6),

Please find attached the response from Acting Archivist Debra Steidel Wall to Ranking Member Comer's letter of August 10, 2022.

Thank you,
John

On Wed, Aug 10, 2022 at 2:29 PM (b) (6) <(b) (6)> wrote:

Ms. Wall,

Please see the attached letter from Congressman James Comer, Ranking Member of the House Committee on Oversight and Reform. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing back from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Committee on Oversight and Reform | Ranking Member James Comer

2105 Rayburn | Washington, DC 20515 | (202) 225-5074

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959



Archivist of the
United States

August 16, 2022

The Honorable James Comer
Ranking Member
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515-6143
By Email

Dear Ranking Member Comer:

I write in response to the letter of August 10, 2022, from you and your colleagues asking about “NARA’s role, if any, in the FBI raid.”

As a general matter, the Presidential Records Act (PRA) mandates that all Presidential records must be properly preserved by each Administration so that a complete set of Presidential records is transferred to the National Archives at the end of the Administration. As former Archivist of the United States David S. Ferriero stated in a press statement on February 7, 2022, “NARA pursues the return of records whenever we learn that records have been improperly removed or have not been appropriately transferred to official accounts.” NARA also explained that, in mid-January 2022, “NARA arranged for the transport from the Trump Mar-a-Lago property in Florida to the National Archives of 15 boxes that contained Presidential records, following discussions with President Trump’s representatives in 2021.”

When NARA identified items marked as classified national security information within the 15 boxes, NARA referred this issue to the Department of Justice (DOJ). Since that time, DOJ has been exclusively responsible for all aspects of this investigation, and NARA has not been involved in the DOJ investigation or any searches that it has conducted. Accordingly, NARA is unable to provide a briefing or any documents in response to your letter, and we refer you to the DOJ. Please note, however, that NARA is preserving all records related to this matter.

Sincerely,

Debra Steidel Wall
Acting Archivist of the United States

Debra Steidel Wall · T: 202.357.5900 · F: 202.357.5901 · debra.wall@nara.gov

National Archives and Records Administration · 8601 Adelphi Road · College Park, MD 20740 · www.archives.gov

15B000743

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

AMERICA FIRST LEGAL FOUNDATION

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 08/16/2022 03:46:17 PM
To: (b) (6) <(b) (6)>
Cc: (b) (6)
BCc: (b) (6)@nara.gov
Subject: Re: Letter
Attachments: WallResponse to08-09-2022TurnerLetter_Signed.pdf

(b) (6),

Please find attached a response from Acting Archivist Debra Steidel Wall to Ranking Member Turner's letter received on 8-9-22.

Thank you,
John

On Tue, Aug 9, 2022 at 4:02 PM (b) (6) <(b) (6)> wrote:

John,

Please see the attached letter.

(b) (6)

(b) (6)

HPSCI

--
John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959



Archivist of the
United States

August 16, 2022

The Honorable Michael R. Turner
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515
By Email

Dear Ranking Member Turner:

I write in response to your letter of August 9, 2022, in regard to the Department of Justice (DOJ) investigation involving Presidential records recovered from former President Trump's Mar-a-Lago property in Florida.

As a general matter, the Presidential Records Act (PRA) mandates that all Presidential records must be properly preserved by each Administration so that a complete set of Presidential records is transferred to the National Archives and Records Administration (NARA) at the end of the Administration. As former Archivist of the United States David S. Ferriero stated in a press statement on February 7, 2022, "NARA pursues the return of records whenever we learn that records have been improperly removed or have not been appropriately transferred to official accounts." The same statement also explained that, in mid-January 2022, "NARA arranged for the transport from the Trump Mar-a-Lago property in Florida to the National Archives of 15 boxes that contained Presidential records, following discussions with President Trump's representatives in 2021."

When NARA identified items marked as classified national security information within the 15 boxes, NARA referred this issue to the DOJ. Since that time, the DOJ has been exclusively responsible for all aspects of this investigation, and NARA has not been involved in the DOJ investigation or any searches that it has conducted. Accordingly, NARA is unable to provide a briefing or any documents in response to your letter, and we refer you to the DOJ. Please note, however, that NARA is preserving all records related to this matter.

Debra Steidel Wall · T: 202.357.5900 · F: 202.357.5901 · debra.wall@nara.gov

National Archives and Records Administration · 8601 Adelphi Road · College Park, MD 20740 · www.archives.gov

15B000746

Sincerely,

Debra Steidel Wall

Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable Adam Schiff, Chairman
Permanent Select Committee on Intelligence

AMERICA FIRST LEGAL FOUNDATION

From: (b) (6) <(b) (6)>
Sent time: 08/30/2022 11:00:12 AM
To: debra.wall@nara.gov
Cc: congress.affairs@nara.gov; john.hamilton@nara.gov; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
BCc: (b) (6)@nara.gov
Subject: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: 2022-08-30 Follow-up letter to NARA re FBI search.pdf

Ms. Wall,

Please see the attached follow-up letter from Ranking Member James Comer. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Staff Assistant
Committee on Oversight and Reform- Minority
Ranking Member James Comer

--

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To view this discussion on the web visit
<https://groups.google.com/a/nara.gov/d/msgid/congress.affairs/BY3PR09MB80971F5E2677EC3F3A7F88DCD0799%40BY3PR09MB8097.namprd09.prod.outlook.com>.

AMERICA FIRST LEGAL FOUNDATION

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 30, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Ms. Wall:

This is in response to your letter dated August 16, 2022, and to inquire as to whether you would like to amend the representations made in that letter regarding the events leading up to, and the National Archives' (NARA) involvement in, the FBI search of Mar-a-Lago. Specifically, in that letter you stated:

Since that time, [the point at which NARA referred the matter of classified documents to the Department of Justice] DOJ has been exclusively responsible for all aspects of this investigation, and NARA has not been involved in the DOJ investigation or any searches that it has conducted. **Accordingly, NARA is unable to provide a briefing or any documents in response to your letter,** and we refer you to the DOJ.¹

The accuracy of this statement has been called into question in recent days.

On August 22, 2022, *Just the News* published a letter demonstrating robust negotiations between NARA and former President Trump's attorney, Evan Corcoran.² Also on August 22, 2022, the *New York Times* reported: "...the material in the boxes prompted archives officials to refer the matter to the Justice Department, which within months had convened a grand jury investigation."³ The article explains that NARA "spent much of 2021 trying to get back material from Mr. Trump," as well as noting NARA's role in preserving presidential records.⁴

¹ Letter from Ms. Debra Steidel Wall, Acting Archivist of the U.S. to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Aug. 16, 2022) (emphasis added).

² Ben Whedon, *Full Text of National Archives Letter to Trump on Classified Documents*, JUST THE NEWS (Aug. 22, 2022). Also now available at: <https://www.archives.gov/files/foia/wall-letter-to-evan-corcoran-re-trump-boxes-05.10.2022.pdf>.

³ Maggie Haberman, Jodi Kantor, Adam Goldman, & Ben Protess, *Trump Had More Than 300 Classified Documents at Mar-a-Lago*, N.Y. TIMES (Aug. 22, 2022).

⁴ *Id.*

While your letter acknowledges the referral to the DOJ, it ignores the first two requests made in the August 10, 2022, letter to you.⁵ Specifically, that letter requested:

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;
2. All documents and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump.⁶

The time period covered by this request—as stated in the letter—is January 20, 2021, to the present.⁷ The letter to Mr. Corcoran, along with any other documents demonstrating negotiations with former President Trump’s team as reported on by the *New York Times*, would certainly be covered by the above requests. Moreover, the letter to Mr. Corcoran specifically mentions communications between NARA and the DOJ (e.g., “NARA informed the Department of Justice...”; “The Assistant Attorney General has advised me...”; “...which the Assistant Attorney General informs me...”). It is puzzling that you and your staff would blatantly deny the existence of such responsive documents or communications to Congress. It is implausible that there would be no internal communications by NARA employees regarding the subject matter of the letter to Mr. Corcoran, as your letter to us would indicate.

Transparency is particularly important in the post-pandemic era when Americans are lacking trust in our nation’s institutions. Congress, and particularly the Oversight Committee, has a duty to provide transparency and accountability for the American people. We request that you revisit your prior communications to Oversight Republicans and amend your prior statements as necessary. Likewise, we expect your office to provide a briefing and documents responsive to the August 10, 2022, letter signed by 20 Republican Members of the Oversight Committee.

On August 24, 2022, the *New York Times* again reported on communications between NARA general counsel, Gary Stern, and former President Trump’s White House attorneys.⁸ While these documents are undoubtedly covered by request number two, above, since NARA employees were courtesy copied and likely received earlier draft copies, to be abundantly clear, please provide the following documents and information related to former President Trump’s records no later than September 13, 2022, for the time period January 1, 2021 and present:

⁵ Letter from Hon. James Comer & nineteen other Republican Members of the H. Oversight & Reform Comm. to Ms. Debra Steidel Wall, Acting Archivist of the U.S., (Aug. 10, 2022) available at <https://republicans-oversight.house.gov/wp-content/uploads/2022/08/2022-08-10-NARA-MAL567537660.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ Alan Feuer & Maggie Haberman, *Email Shows Early Tension Between Trump & National Archives*, N.Y. TIMES (Aug. 24, 2022) (article notes that John Laster, a NARA official, was copied on the correspondence to former President Trump’s attorneys).

Acting Archivist Wall

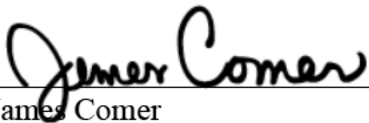
August 30, 2022

Page 3 of 5

1. All documents and communications between employees or agents of NARA and President Trump, his representatives, and/or counsel.
2. All documents and communications between employees or agents of NARA and any White House official(s).

To make arrangements to schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. Documents may be provided electronically by the same means you have been producing to Committee Democrats over the course of this Congress. 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 in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



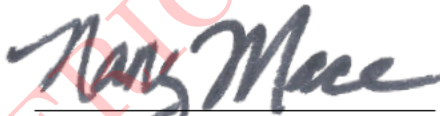
Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



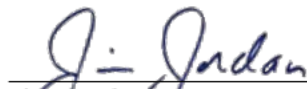
Michael Clouse
Ranking Member
Subcommittee on Economic and
Consumer Policy



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties




Yvette Herrell
Ranking Member
Subcommittee on Environment



Jim Jordan
Member of Congress



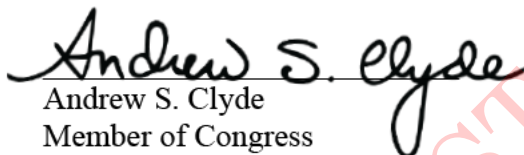
Bob Gibbs
Member of Congress




Ralph Norman
Member of Congress



Fred Keller
Member of Congress



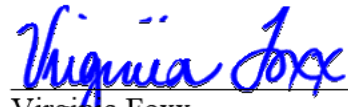
Andrew S. Clyde
Member of Congress



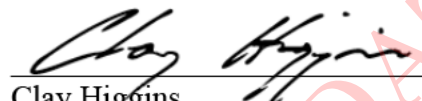
Jake LaTurner
Member of Congress



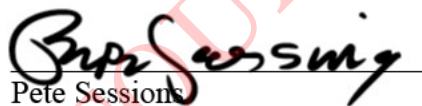
Byron Donalds
Member of Congress



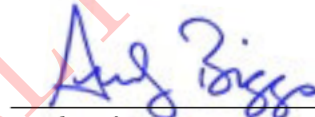
Virginia Foxx
Member of Congress



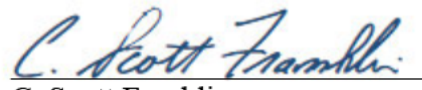
Clay Higgins
Member of Congress




Pete Sessions
Member of Congress



Andy Biggs
Member of Congress



C. Scott Franklin
Member of Congress



Pat Fallon
Member of Congress



Mike Flood
Member of Congress

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

Acting Archivist Wall
August 30, 2022
Page 5 of 5

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
Subcommittee on Environment

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

AMERICA FIRST LEGAL FOUNDATION

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 08/30/2022 11:20:07 AM
To: (b) (6) <(b) (6)@mail.house.gov>
Cc: debra.wall@nara.gov; congress.affairs@nara.gov; john.hamilton@nara.gov; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
BCc: (b) (6)@nara.gov; groups.archive1@nara.gov; (b) (6)@nara.gov
Subject: Re: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: image001.png

Hi (b) (6) ,

Acknowledging receipt--

Thanks--

(b) (6)

On Tue, Aug 30, 2022 at 11:01 AM (b) (6) <(b) (6)> wrote:

Ms. Wall,

Please see the attached follow-up letter from Ranking Member James Comer. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Staff Assistant

Committee on Oversight and Reform- Minority

Ranking Member James Comer

--

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--

(b) (6)
Deputy Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Ave, NW
Washington, DC 20408

Office (b) (6)

AMERICA FIRST LEGAL FOUNDATION

From: (b) (6) <(b) (6)>
Sent time: 09/13/2022 08:14:18 AM
To: John Hamilton <john.hamilton@nara.gov>
(b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6)
Cc: <(b) (6)>; (b) (6) <(b) (6)>; (b) (6)
<(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6)
<(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
Subject: Letter for Ms. Debra Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration
Attachments: 2022-09-13.CBM to Steidel Wall-NARA re MAL Certification.pdf

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for Ms. Debra Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Best regards,
(b) (6)
Staff Assistant | Committee on Oversight & Reform
Chairwoman Carolyn B. Maloney
(b) (6)

AMERICA FIRST LEGAL FOUNDATION

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 13, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Ms. Steidel Wall:

I am writing regarding former President Trump’s removal of presidential records and classified material from the White House after his term as president ended, and his dangerous decision to retain these sensitive government records in non-secure locations at his Mar-a-Lago Club. Well-established laws protect classified information and require the return of presidential records to the U.S. Government.¹ In light of revelations that Mr. Trump’s representatives misled investigators about his continued possession of government property and that material found at his club included dozens of “empty folders” for classified material, I am deeply concerned that sensitive presidential records may remain out of the control and custody of the U.S. Government.²

Prior to the August 8, 2022, court-authorized search of former President Trump’s Mar-a-Lago Club, Mr. Trump had failed to comply with multiple requests from the National Archives and Records Administration (NARA) and a grand jury subpoena seeking the return of all presidential records and classified documents he retained after leaving office. Two months before the August 8 search, Mr. Trump’s attorney certified that all documents bearing classified markings had been returned and that no “copy, written notation, or reproduction of any kind was retained.”³ Yet the August 8 search revealed that he continued to improperly possess more than 11,000 government records, including more than 100 documents with classified markings.⁴

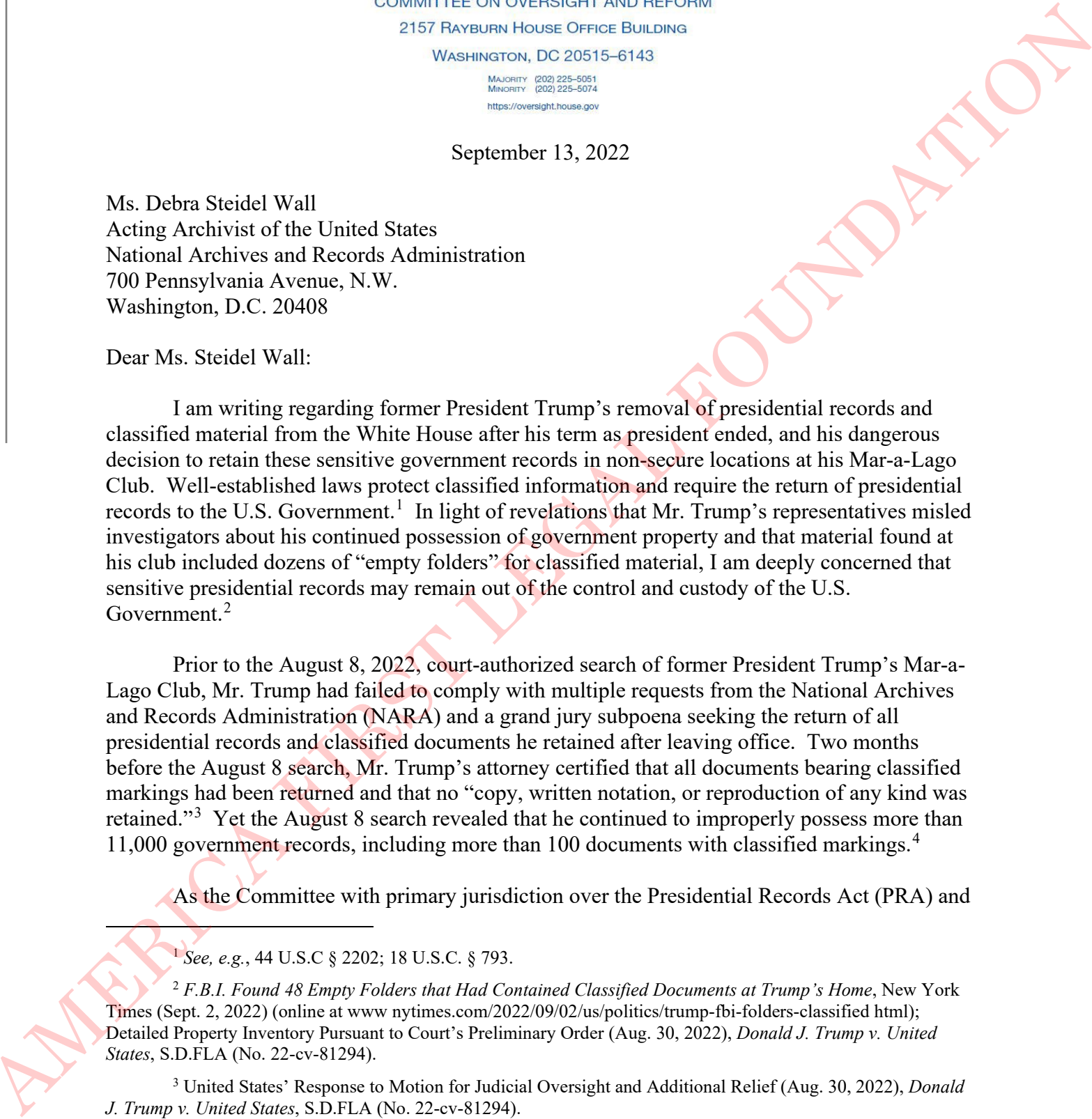
As the Committee with primary jurisdiction over the Presidential Records Act (PRA) and

¹ See, e.g., 44 U.S.C § 2202; 18 U.S.C. § 793.

² F.B.I. Found 48 Empty Folders that Had Contained Classified Documents at Trump’s Home, New York Times (Sept. 2, 2022) (online at www.nytimes.com/2022/09/02/us/politics/trump-fbi-folders-classified.html); Detailed Property Inventory Pursuant to Court’s Preliminary Order (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294).

³ United States’ Response to Motion for Judicial Oversight and Additional Relief (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294).

⁴ *Id.*



as the principal oversight committee of the House of Representatives, the Oversight Committee has been investigating Mr. Trump's mishandling of presidential records for seven months. This inquiry, which is separate from the Department of Justice's (DOJ) ongoing criminal investigation into Mr. Trump's actions, seeks to understand "the full extent of this conduct" in order to "determine what additional steps, including potential legislative reforms, may be needed to ensure the preservation of presidential records for the American people."⁵

In light of the serious risk that Mr. Trump may still be retaining sensitive government records at Mar-a-Lago or his other properties, I urge NARA to seek a personal certification from Donald Trump that he has surrendered all presidential records that he illegally removed from the White House after leaving office. I also ask that the agency conduct an urgent review of presidential records recovered from the Trump White House to assess whether presidential records remain unaccounted for and potentially in the possession of the former president.

Former President Trump's Retention of Thousands of Government Records After Leaving Office, in Violation of the Presidential Records Act

Congress enacted the PRA following the Watergate scandal in which President Richard Nixon improperly sought to retain and destroy White House records, including Oval Office tapes implicating him in obstruction of justice.⁶ The PRA states that the "United States shall reserve and retain complete ownership, possession, and control of Presidential records," and provides:

Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President.⁷

In a clear violation of the PRA, upon leaving office, Mr. Trump removed dozens of boxes of presidential records from the White House and retained them at his Mar-a-Lago Club. This club serves as his personal residence and also operates as a resort and wedding venue for five hundred members and their guests.⁸ As former Attorney General William Barr explained, it is "unprecedented for a president to take all this classified information and put them in a country club."⁹

⁵ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 24, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-24.CBM%20to%20Ferriero-NARA%20re%20Document%20Request.pdf>).

⁶ E.g., *Presidential Records Act Scandals, from Nixon's Tapes to Trump's "Burn Bags,"* Washington Post (Aug. 9, 2022) (online at www.washingtonpost.com/history/2022/02/07/presidential-records-act-trump-nixon/).

⁷ 44 U.S.C. §§ 2201, 2203(g)(1).

⁸ *A Quick History of Mar-a-Lago, Trump's Lavish Club and Residence*, New York Times (Aug. 9, 2022) (online at www.nytimes.com/2022/08/09/us/mar-a-lago-florida.html).

⁹ *Barr Says No "Legitimate Reason" for Trump to Have Classified Documents*, Washington Post (Sept. 2, 2022) (online at www.washingtonpost.com/politics/2022/09/02/trump-fbi-search-classified-documents-barr/).

On May 6, 2021, NARA requested that Mr. Trump return presidential records in his possession.¹⁰ Mr. Trump delayed returning these records for months, while he hosted numerous large events at Mar-a-Lago with inadequate vetting. Reports indicate that a Ukrainian woman posed as a Rothschild heiress to gain access to Mar-a-Lago in May 2021, and mingled with other U.S. officials, sparking a Federal Bureau of Investigation (FBI) investigation and heightening fears over potential access to the highly sensitive government documents at the club.¹¹

In January 2022, eight months after NARA's initial request, Mr. Trump finally returned 15 boxes of presidential records to NARA. On February 9, 2022, the Committee wrote to NARA requesting information regarding his removal of these documents and their classification level. NARA responded that it had "identified items marked as classified national security information within the boxes."¹² These boxes included 184 documents with classified information, including Special Access Program materials that are among the most sensitive and highly protected information in the U.S. Government.¹³ Despite the obvious security concerns raised by the removal of these government records and their storage at his club, Mr. Trump released a statement that his transfer of records a year after the end of his administration was "viewed as routine and 'no big deal.'"¹⁴

Federal authorities later determined that Mr. Trump had still not returned all records to the U.S. Government and continued to possess classified information. In May 2022, a grand jury subpoena was issued requiring Mr. Trump to turn over all documents in his possession bearing classification markings. After receiving the subpoena, Mr. Trump returned an additional 38 documents with classification markings on June 3, 2022. At that time, Mr. Trump's personal attorney provided a sworn certification that all documents with classified markings had been turned over. Mr. Trump's counsel asserted to FBI agents and a DOJ attorney that all White House records he had transferred to Florida were kept in a single location—a storage room at the Mar-a-Lago Club—and nowhere else. However, when DOJ officials visited the storage room, Mr. Trump's lawyers "explicitly prohibited government personnel from opening or looking

¹⁰ *Inside the 20-Month Fight to Get Trump to Return Presidential Material*, New York Times (Aug. 26, 2020) (online at www.nytimes.com/2022/08/26/us/politics/trump-documents-search-timeline.html).

¹¹ *U.S. Investigates Fake Heiress Who Infiltrated Trump's Mar-A-Lago Resort*, The Guardian (Aug. 27, 2022) (online at www.theguardian.com/us-news/2022/aug/27/fake-heiress-infiltrates-mar-a-lago-trump).

¹² Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 9, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-09.CBM%20to%20Ferriero-NARA%20re%20Trump%20Mar-a-Lago%20FINAL.pdf>); Letter from David S. Ferriero, Archivist of the United States, National Archives and Records Administration to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 19, 2022) (online at www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf).

¹³ *Documents Recovered at Mar-A-Lago Were Among Government's Most Classified, Letter Shows*, Politico (Aug. 23, 2022) (online at www.politico.com/news/2022/08/23/national-archives-letter-trump-security-00053250).

¹⁴ *Trump: Return of Documents to Archives Viewed as Routine and "No Big Deal,"* The Hill (Feb. 10, 2020) (online at <https://thehill.com/homenews/administration/593648-trump-says-return-of-documents-to-archives-routine-and-no-big-deal/>).

inside any of the boxes that remained in the storage room, giving no opportunity for the government to confirm that no documents with classification markings remained.”¹⁵

On August 8, 2022, after a federal court found probable cause that further classified documents would be found on the premises, the FBI executed a search warrant at Mar-a-Lago. The FBI recovered more than 11,000 government records.¹⁶ Among them were 13 boxes containing more than 100 documents bearing classified markings, including documents with the U.S. Government’s highest classification markings—related to human source intelligence—as well as additional classified documents in former President Trump’s office desk drawer.¹⁷ The classified documents reportedly included information about a foreign government’s nuclear capabilities and top-secret U.S. operations.¹⁸

In the inventory of items seized, DOJ identified 48 empty folders with classified banners, as well as 42 empty folders labeled as “Return to Staff Secretary or Military Aide.” Although it is not clear from the inventory list why these folders were empty, the apparent separation of classified material and presidential records from their designated folders raises questions as to how the materials were stored and whether sensitive material may have been lost or obtained by third parties.¹⁹ Mr. Trump’s former National Security Advisor John Bolton has expressed concern that Mr. Trump might have transferred classified documents to other clubs, such as Bedminster National Golf Club, where he recently hosted a professional golf tournament sponsored and attended by numerous foreign officials.²⁰

Risk that Former President Trump Has Retained Sensitive Documents

On at least three separate occasions, Mr. Trump had the opportunity to turn over all presidential records and classified documents, as demanded by federal authorities, but failed to do so:

¹⁵ United States’ Response to Motion for Judicial Oversight and Additional Relief (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-Cv-81294); *Trump Team May Have Hidden, Moved Classified Papers, Justice Dept. Says*, Washington Post (Aug. 31, 2022) (online at www.washingtonpost.com/national-security/2022/08/31/trump-documents-removed-storage-room/).

¹⁶ Detailed Property Inventory Pursuant to Court’s Preliminary Order (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294); *F.B.I. Found 48 Empty Folders that Had Contained Classified Documents at Trump’s Home*, New York Times (Sept. 2, 2022) (online at www.nytimes.com/2022/09/02/us/politics/trump-fbi-folders-classified.html).

¹⁷ *Id.*

¹⁸ *Material on Foreign Nation’s Nuclear Capabilities Seized at Trump’s Mar-a-Lago*, Washington Post (Sept. 6, 2022) (online at www.washingtonpost.com/national-security/2022/09/06/trump-nuclear-documents/).

¹⁹ Detailed Property Inventory Pursuant to Court’s Preliminary Order (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294); *F.B.I. Found 48 Empty Folders That Had Contained Classified Documents at Trump’s Home*, New York Times (Sept. 2, 2022) (online at www.nytimes.com/2022/09/02/us/politics/trump-fbi-folders-classified.html).

²⁰ *Ex-Trump Aides Say He Probably Has More Sensitive Documents at Other Properties*, Huffington Post (Aug. 31, 2022) (online at www.huffpost.com/entry/trump-more-sensitive-documents_n_630fe63ae4b063d5e6215c83).

- Upon the conclusion of his term in office, Mr. Trump failed to return all government property, including classified material;
- After receiving a May 2021 request from NARA, Mr. Trump failed to return all government property, including classified material; and
- After receipt of a grand jury subpoena in May 2022, Mr. Trump failed to return all government property, including classified material.

The Committee is concerned that, given this pattern of conduct, Mr. Trump may continue to retain presidential records at non-secure locations, including classified material that could endanger our nation's security and other important records documenting Mr. Trump's activities at the White House. NARA's staff recently informed the Committee that the agency is not certain whether all presidential records are in its custody.²¹

As a result, the Committee requests that NARA conduct an urgent review of presidential records from the Trump Administration to identify any presidential records or categories of presidential records, whether textual or electronic, that NARA has reason to believe may still be outside of the agency's custody and control. Please also assess any other limitations on the completeness, accuracy, and accessibility of presidential records provided to NARA by the Trump Administration.

Please provide the Committee an initial assessment of NARA's findings from this review by September 27, 2022.

In addition, I urge NARA to seek from former President Trump a written certification that he has surrendered all presidential records or classified materials, has not made any copies or reproductions of such materials, and has not transferred any records or government documents to any party other than NARA or DOJ since his term ended.²² Although the President is not required under current law to provide such a certification, I believe that the exceptional circumstances in this case warrant that Mr. Trump do the same so Congress and the American people can fully understand the impact of his actions on our nation's security, take mitigating action, and consider legislative reforms.

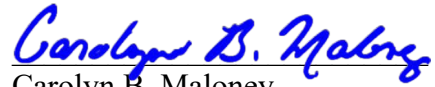
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051. Thank you for your prompt attention to this matter.

²¹ Call with Staff, Committee on Oversight and Reform, and Staff, National Archives and Records Administration (Aug. 24, 2022).

²² When federal employees separate from government service, they are routinely required to certify that they have surrendered all U.S. Government property, including classified material. *See, e.g.*, United States Information Agency, *Separation Statement* (online at www.gsa.gov/cdnstatic/OF%20109.pdf?forceDownload=1). Secretary of State Hillary Clinton provided a certification, under penalty of perjury, that all emails that were federal records had been returned to the Department of State. Supplement To Defendant's August 7, 2015, Status Report, (Aug. 10, 2015), *Judicial Watch, Inc. v. U.S. Dep't of State*, D.D.C (No. 13-cv-1363).

Ms. Debra Steidel Wall
Page 6

Sincerely,


Carolyn B. Maloney
Chairwoman

cc: The Honorable James Comer, Ranking Member

AMERICA FIRST LEGAL FOUNDATION

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 09/22/2022 10:04:39 AM
To: (b) (6) <(b) (6)>
Cc: (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
Subject: Re: Letter from Ranking Member James Comer and Oversight Committee Republicans
Attachments: Wall Response to 08.30.2022 Comer Letter_Signed.pdf

Dear (b) (6) - Please find attached the reply from Acting US Archivist Debra Steidel Wall to Ranking Member Comer's letter of August 30, 2022.

Thank you,
John Hamilton

On Tue, Aug 30, 2022 at 11:01 AM (b) (6) <(b) (6)> wrote:

Ms. Wall,

Please see the attached follow-up letter from Ranking Member James Comer. This letter is also signed by Republican Members of the House Oversight and Reform Committee. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Staff Assistant

Committee on Oversight and Reform- Minority

Ranking Member James Comer

--
John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959



Archivist of the
United States

September 22, 2022

The Honorable James Comer
Ranking Member
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515-6143
By Email

Dear Ranking Member Comer:

I write in response to the letter of August 30, 2022, from you and your colleagues responding to my letter of August 16, 2022.

I apologize if my response may not have been clear and thus caused confusion. My letter was not intended to “deny the existence of such responsive documents or communications to Congress.” Rather, its intent instead was to convey to you that, as a general matter, the Department of Justice has requested that NARA not share or otherwise disclose to others information related to this matter at this time in order to protect the integrity of DOJ’s ongoing work. I also let you know that “NARA is preserving all records related to this matter.”

We did, of course, release my May 10, 2022, letter to Evan Corcoran, an attorney for former President Trump, addressing the special access request under the Presidential Records Act (PRA) from the incumbent President on behalf of the Department of Justice, after the letter had been released by a PRA representative of Trump.

To the extent that we are able to release any additional records responsive to your request in the future, we will make them available to you.

Sincerely,

Debra Steidel Wall
Acting Archivist of the United States

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

Debra Steidel Wall · T: 202.357.5900 · F: 202.357.5901 · debra.wall@nara.gov

National Archives and Records Administration · 8601 Adelphi Road · College Park, MD 20740 · www.archives.gov

15B000764

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 09/30/2022 04:48:59 PM
To: (b) (6) <(b) (6)>
(b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
<(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
Cc: <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
(b) (6) <(b) (6)>
Subject: Re: Letter for Ms. Debra Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration
Attachments: _Wall Response to 09.13.2022 Maloney Letter_Signed.pdf

Hello -

Attached is Acting US Archivist Debra Steidel Wall's reply to Chairwoman Maloney's letter of 9-13-22.

Thank you,
John Hamilton

On Tue, Sep 13, 2022 at 8:14 AM (b) (6) <(b) (6)> wrote:

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for Ms. Debra Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Best regards,

(b) (6)

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

(b) (6)

--
John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959



Archivist of the
United States

September 30, 2022

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20514

Dear Madam Chairwoman:

I write in response to your letter of September 13, 2022, requesting that the National Archives and Records Administration (NARA) (1) “conduct an urgent review of presidential records from the Trump Administration to identify any Presidential records . . . that NARA has reason to believe may still be outside of the agency’s custody and control,” and (2) “to seek from former President Trump a written certification that he has surrendered all presidential records or classified materials, has not made any copies or reproductions of such materials, and has not transferred any records or government documents to any party other than NARA or DOJ since his term ended.”

With respect to the first issue in your request, I share your interest in ensuring that NARA has in its custody all of the records that should have been transferred to us under the Presidential Records Act at the end of the Trump Administration. As former Archivist of the United States David S. Ferriero noted in a press statement issued on February 7, 2022: “The Presidential Records Act mandates that all Presidential records must be properly preserved by each Administration so that a complete set of Presidential records is transferred to the National Archives at the end of the Administration. NARA pursues the return of records whenever we learn that records have been improperly removed or have not been appropriately transferred to official accounts.”

While there is no easy way to establish absolute accountability, we do know that we do not have custody of everything we should. Specifically, Mr. Ferriero informed you in his February 18, 2022, letter that NARA has identified that “some White House staff conducted official business using non-official electronic messaging accounts that were not copied or forwarded into their official electronic messaging accounts, as required by section 2209 of the PRA.” NARA has been able to obtain such records from a number of former officials and will continue to pursue the return of similar types of Presidential records from former officials. As appropriate, NARA

Debra Steidel Wall · T: 202.357.5900 · F: 202.357.5901 · debra.wall@nara.gov

National Archives and Records Administration · 8601 Adelphi Road · College Park, MD 20740 · www.archives.gov

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would consult with the Department of Justice on whether “to initiate an action for the recovery of records unlawfully removed,” as established under the Federal Records Act (44 U.S.C. § 2905(a), which NARA can follow with respect to the PRA); in August 2022, DOJ filed a replevin lawsuit against Peter Navarro for the recovery of official email records from Mr. Navarro’s personal email account.

With respect to the second issue concerning whether former President Trump has surrendered all presidential records, we respectfully refer you to the Department of Justice in light of its ongoing investigation.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable James Comer, Ranking Member

AMERICA FIRST LEGAL FOUNDATION

From: (b) (6) <(b) (6)>
Sent time: 10/14/2022 07:56:11 AM
To: debra.wall@nara.gov
Cc: congress.affairs@nara.gov; john.hamilton@nara.gov; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
BCc: (b) (6)@nara.gov
Subject: Letter from Ranking Member Comer and Ranking Member Jordan
Attachments: 2022-10-14 - NARA - records response.pdf

Ms. Wall,

Please see the attached letter from Ranking Member James Comer and Ranking Member Jim Jordan. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Committee on Oversight and Reform | Ranking Member James Comer
2105 Rayburn | Washington, DC 20515 | (202) 225-5074

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AMERICA FIRST LEGAL FOUNDATION

Congress of the United States

Washington, DC 20515

October 14, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Ms. Steidel Wall:

Committee on Oversight and Reform Republicans are continuing to investigate the National Archives and Records Administration's (NARA) role in the FBI raid of former President Donald J. Trump's home at Mar-a-Lago. Committee Republicans have learned that NARA's actions initiated the Department of Justice's (DOJ) criminal investigation against the former president the same day Committee Democrats inquired about whether a referral to DOJ had been made. The possibility of NARA being pressured by Committee Democrats to pursue the former president is troubling, and Committee Republicans are concerned about NARA's continued refusal to provide information about its role in the raid on the former president's home.¹

According to correspondence between Committee Democrats and NARA, on February 9, 2022, Chairwoman Carolyn Maloney wrote to NARA raising concerns about 15 boxes of presidential records stored at the former president's home at Mar-a-Lago and asking whether the Archivist had been in contact with the Attorney General on this matter.² The same day—February 9, 2022—a “referral” from NARA was “sent to the United States Department of Justice” that initiated an investigation into the former president.³ The fact that NARA transmitted to DOJ a referral that launched a criminal investigation of the former president the same day the Democrat Chairwoman of the Committee inquired whether the agency had been in contact with DOJ raises serious concerns about whether NARA made the referral after pressure from Committee Democrats.

In an October 7, 2022, letter responding to a previous Committee Republicans' October 4, 2022, letter requesting documents about NARA's interactions with Congressional Democrats, you wrote that NARA “take[s] [its] role as a non-political agency very seriously”⁴ but at the same time you failed to provide the documents and other information requested. In order to

¹ E.g., Letter from Ms. Debra Steidel Wall, Acting Archivist, NARA to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Sep. 22, 2022); Letter from Ms. Debra Steidel Wall, Acting Archivist, NARA to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Oct. 7, 2022).

² Letter from Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform to Hon. David Ferriero, Archivist, NARA (Feb. 9, 2022).

³ Affidavit in support of an application under Rule 41 for a warrant to search and seize, *In the matter of the search of: Locations within the premises to be searched in Attachment A* (“Mar-a-Lago search warrant affidavit”) (S.D. Fla.) (submitted Aug. 5, 2022; entered on docket Aug. 26, 2022).

⁴ Letter from Ms. Debra Steidel Wall, Acting Archivist, NARA to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Oct. 7, 2022).

2025-10-14 - ИВАРА - records foundation.pdf

Ms. Debra Steidel Wall

October 14, 2022

Page 2 of 2

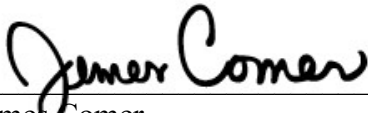
understand whether and to what extent Congressional Democrats influenced and coordinated with NARA, please provide the documents previously requested in the October 4, 2022, Committee letter. Additionally, please provide the following documents, covering the time period from January 1, 2020, to present, no later than October 28, 2022:

1. All documents and communications between or among employees or agents of NARA and DOJ referring or relating to the Trump Administration's control, transfer, storage, or other handling of documents subject to the Presidential Records Act.

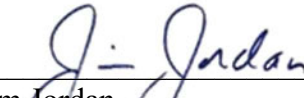
To make arrangements to ask any related follow-up questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074.

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 & Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight & Reform

The Honorable Jerrold L. Nadler, Chairman
Committee on the Judiciary

From: Debra Wall <debra.wall@nara.gov>
Sent time: 10/14/2022 09:17:52 AM
To: (b) (6) <(b) (6)>
Cc: congress.affairs@nara.gov; john.hamilton@nara.gov; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
BCc: (b) (6) @nara.gov; (b) (6) @nara.gov; groups.archive1@nara.gov; (b) (5) @nara.gov
Subject: Re: Letter from Ranking Member Comer and Ranking Member Jordan

Confirming receipt. Thank you.

On Fri, Oct 14, 2022 at 7:56 AM (b) (6) <(b) (6)> wrote:

Ms. Wall,

Please see the attached letter from Ranking Member James Comer and Ranking Member Jim Jordan. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Committee on Oversight and Reform | Ranking Member James Comer

2105 Rayburn | Washington, DC 20515 | (202) 225-5074

AMERICA FIRST LEGAL FOUNDATION

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 10/25/2022 11:00:17 AM
To: (b) (6) <(b) (6)>
Cc: (b) (6); (b) (6); (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
Subject: Re: Letter from Ranking Member Comer and Ranking Member Jordan
Attachments: Wall Response to 10.14.2022 Comer, Jordan Letter.docx (1).pdf

Dear (b) (6),

Please find attached a response from Acting Archivist of the US Debra Steidel Wall to the letter she received on 10-14-22 from Ranking Members Comer and Jordan.

Thank you,
John Hamilton

On Fri, Oct 14, 2022 at 7:56 AM (b) (6) <(b) (6)> wrote:

Ms. Wall,

Please see the attached letter from Ranking Member James Comer and Ranking Member Jim Jordan. We appreciate your assistance and look forward to hearing from you. Please acknowledge receipt of this letter.

Thank you,

(b) (6)

(b) (6)

Committee on Oversight and Reform | Ranking Member James Comer

2105 Rayburn | Washington, DC 20515 | (202) 225-5074

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Archivist of the
United States

October 25, 2022

The Honorable James Comer
Ranking Member
Committee on Oversight and Reform

The Honorable Jim Jordan
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

By Email

Dear Ranking Members Comer and Jordan:

I write in response to your letter of October 14, 2022, in which you stated:

The fact that NARA transmitted to DOJ a referral that launched a criminal investigation of the former president the same day the Democrat Chairwoman of the Committee inquired whether the agency had been in contact with DOJ raises serious concerns about whether NARA made the referral after pressure from Committee Democrats.

There was, in fact, no connection between these two actions. NARA received the 15 boxes from President Trump on January 18, 2022, and then discovered that they contained classified national security information. Shortly after the discovery, NARA consulted with its Office of Inspector General (OIG), which operates independently of NARA. As DOJ has disclosed publicly in court filings, NARA's OIG subsequently referred the matter to DOJ on February 9, 2022.

Wholly separate and distinct from the above described activities, on February 7, 2022, the *Washington Post* published an article entitled [National Archives had to retrieve Trump White House records from Mar-a-Lago](#). NARA immediately began to receive numerous queries about this article, including from the staff of the House Committee on Oversight and Reform, who informed our staff that Chairwoman Maloney would be sending a letter. Subsequently, on February 9, 2022, the Chairwoman sent the letter to Archivist of the United States David S. Ferriero that is referenced in your letter. The letter did not copy the NARA OIG.

The fact that NARA's OIG sent its referral to DOJ on the same day that Chairwoman Maloney sent her letter to the Archivist is entirely coincidental. At no time and under no circumstances were NARA officials pressured or influenced by Committee Democrats or anyone else. As I emphasized in my October 7, 2022, letter to Ranking Member Comer, NARA has at all times acted professionally and without regard to any political or partisan influence with respect to this matter. Our actions were for the simple purpose of carrying out our core mission of ensuring that NARA has all Presidential records of former Presidents in our custody and control, as required by the Presidential Records Act, and our responsibilities regarding classified national security information.

You have also expressed your concern "about NARA's continued refusal to provide information about its role in the raid on the former president's home." Both I and NARA's Inspector General have already informed Ranking Member Comer that NARA played absolutely no role in, and had no prior knowledge of, the search of President Trump's Mar-a-Lago residence.

We have also explained that DOJ has requested that NARA not share or otherwise disclose to others information related to NARA's recovery of the 15 boxes at this time in order to protect the integrity of DOJ's ongoing work. I have given this same message to Chairwoman Maloney. For this reason, we continue to recommend that you consult directly with DOJ about this issue.

Sincerely,



Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable Carolyn B. Maloney,
Chairwoman, Committee on Oversight & Reform

The Honorable Jerrold L. Nadler,
Chairman, Committee on the Judiciary