



September 7, 2023

**VIA PORTAL AND EMAIL**

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**Freedom of Information Act Request: Joe Biden’s Shadow Email Accounts**

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL’s Twitter has over 177,000 followers, and the Twitter page of our Founder and President has over 510,000 followers.

**I. Background**

On August 17, 2023, it was widely reported that Joe Biden used a pseudonym email account under the name “Robert L. Peters” to share confidential information regarding his communications with high-ranking Ukrainian government officials with his son, Hunter Biden, and with his son’s business partners Devon Archer and Eric Schwerin.<sup>1</sup> For example, on May 27, 2016, Biden’s daily schedule was sent to

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<sup>1</sup> Emily Brooks, *Comer Asks National Archives for Unredacted Biden Emails Involving Hunter and Ukraine*, HILL (Aug. 17, 2023), <https://bit.ly/44yb7V8>; Kelly Laco, *Then-VP Joe Biden Used Pseudonym*

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robert.l.peters@pci.gov and to Hunter Biden; the schedule for that day included a call with the then-president of Ukraine, Petro Poroshenko. Other pseudonym email accounts attributed to Mr. Biden include “Robin Ware” and “JRB Ware.”<sup>2</sup>

There is strong reason to believe that Joe Biden abused his office as Vice President for personal and familial financial gain.<sup>3</sup> Given the evidence made public to date, there is also strong reason to believe that his pseudonym email accounts contain facts bearing on the propriety of Mr. Biden’s activities on behalf of the Biden family enterprises. “Agency records” subject to the Freedom of Information Act are records that are (1) either created or obtained by an agency and (2) under agency control at the time of a request.<sup>4</sup> The “agency record” analysis typically hinges upon whether an agency has “control” over a record.<sup>5</sup>

The “pci.gov” domain is apparently associated with the White House Communications Agency, which is a part of the Defense Information Systems Agency.<sup>6</sup> The Defense Information Systems Agency, in turn, is an agency of the Department of Defense. Therefore, all emails to or from the “Robert L. Peters” address have been obtained by an agency subject to the Freedom of Information Act and are under its control.

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*Robert L. Peters’ in Emails to Hunter About Ukraine Business*, DAILY MAIL (Aug. 17, 2023), <https://bit.ly/3YTjn0G>.

<sup>2</sup> Josh Boswell, *Exclusive: Delaware Prosecutor Alexander Mackler Who Worked With Investigator Probing Hunter Biden’s Shady Overseas Dealings Was So Chummy With President He Used His Secret Email Address Under the Name ‘Robin Ware’*, DAILY MAIL (Aug. 23, 2023), <https://bit.ly/3ORNv85>; Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, and Sen. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, to Debra Steidel Wall, Acting Archivist, U.S. Nat’l Archives and Recs. Admin. (Jan. 23, 2023), <https://bit.ly/45u4t3p>; AMERICA FIRST LEGAL FOUND., *Breaking: America First Legal Releases First Set of Joe Biden’s Vice-Presidential Records from National Archives* (Mar. 2, 2023), <https://bit.ly/3R1HJ6z> (confirming then-Vice President Biden used robinware456@gmail.com for official government business).

<sup>3</sup> See generally Memorandum, H. Comm. on Oversight & Accountability from Maj. Comm. staff to Comm. Members, Third Bank Records Memorandum Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Aug. 9, 2023), <https://bit.ly/3YV89ca>; Memorandum, H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members, Second Bank Records Memorandum Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (May 10, 2023), <https://bit.ly/3PeieNY>; AMERICA FIRST LEGAL FOUND., *America First Legal Releases More of Biden’s Vice Presidential Records Revealing Influence Peddling and Corruption Between the White House and Hunter’s Private Foreign Business Dealings* (May 3, 2023), <https://bit.ly/3qLimfw>; Memorandum, H. Comm. on Oversight & Accountability from Maj. Comm. staff to Comm. Members, New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Mar. 16, 2023), <https://bit.ly/3EcZA31>.

<sup>4</sup> *DOJ v. Tax Analysts*, 492 U.S. 136, 144–45 (1989).

<sup>5</sup> U.S. DEPT’ OF JUSTICE, *Guide to the Freedom of Information Act: Procedural Requirements* at 11–12 (Aug. 20, 2021), <https://bit.ly/45Q3iLJ>.

<sup>6</sup> See DEF. INFO. SYS. AGENCY, DISA CIRC. 640-45-48 (Mar. 13, 2014), <https://bit.ly/3OSTABq>; see also DEF. INFO. SYS. AGENCY, *Our Organization Structure*, <https://bit.ly/3PqfX2F> (last accessed Aug. 28, 2023).

Therefore, these emails are “agency records” that must be made public under 5 U.S.C. § 552.

## **II. Requested Records**

- A. All emails with the following address: robert.l.peters@pci.gov.
- B. All emails with the following address: robinware456@gmail.com.
- C. All records containing the terms “Robert L. Peters,” “Robin Ware,” “JRB Ware,” and “67stingray.”
- D. All records containing the terms: “Vice President Biden,” “Hunter Biden,” “Robert L. Peters,” “Robin Ware,” “JRB Ware,” and “67stingray.”
- E. All memoranda of understanding or other communications between the Defense Information Systems Agency and the White House evidencing control over pci.gov records or records managed by the Defense Information Systems Agency.

The time frame for Items A–C is June 1, 2015, to July 1, 2016.

The time frame for Item D is August 15, 2023, to the present.

For all responsive records subject to White House control, produce copies of those records in the possession and subject to the use of the Defense Information Systems Agency.

## **III. Custodians**

- A. The Office of the Secretary for Items D and E only.
- B. The Defense Information System Agency for all Items.

## **IV. Fee Waiver**

Per 5 U.S.C. § 552 (a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request.

First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your response publicly available for the benefit of all citizens, scholars, and others, and the public’s understanding of your policies and practices will be enhanced through AFL’s analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and the release of the information requested is not in AFL’s financial interest. Accordingly, AFL has been granted fee waivers on this basis by the

Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security.

Second, a waiver is proper as disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.”

Please contact us immediately if AFL’s request for a fee waiver is not granted in full.

## **V. Processing and Production**

Processing should strictly comply with the process guidance of the Attorney General’s Memorandum on the Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFL, please contact me at FOIA@aflegal.org. To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email or in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231 Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein

Reed D. Rubinstein

America First Legal Foundation