

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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May 5, 2023

Dana Remus
Covington & Burling LLP
850 10th St. NW
Washington, D.C. 20268

Dear Ms. Remus:

The Committee on Oversight and Accountability is investigating President Biden's mishandling of highly classified documents.¹ The Committee has obtained information that contradicts important details from the White House's and President Biden's personal attorney's statements about the discovery of documents at the Penn Biden Center, including the location and security of the classified documents. The Committee has learned that you were a central figure in the early stages of coordinating the packing and moving of boxes that were later found to contain classified materials. Following a recent transcribed interview with Ms. Kathy Chung—the President's former assistant from when he was Vice President and subsequent employee of then former Vice President Biden's company, CelticCapri—the Committee has identified you as a witness with potentially unique knowledge about this matter and requests information from you.

The Committee's interview with Ms. Chung raised several questions to which the Committee believes you possess certain answers. Generally, these questions involve differences between Ms. Chung's account and the statements released separately by the White House and President Biden's personal attorney. Specifically, the Committee seeks clarification regarding the timeline of events prior to November 2, 2022 (the day, according to the White House and the President Biden's personal attorney, documents were discovered at Penn Biden Center), the security of the documents in the Penn Biden Center before and after Ms. Chung packed them, and President Biden's history of potentially mishandling classified material.

A. The Committee seeks additional information about why in May 2022 you chose Ms. Chung—an employee at the Department of Defense who did not work for the Penn Biden Center—to do what she believed was a personal task for the President.

The President's personal attorney, Mr. Bob Bauer, has released a statement that includes a timeline of events relevant to President Biden's mishandling of classified documents. That

¹ See, e.g., Alexander Mallin, et al., *Key events in the Biden classified documents probe: Updated timeline*, ABCNews.com (Feb. 1, 2023).

timeline begins on November 2, 2022, with the “unexpected[] discover[y]” of classified materials at the Penn Biden Center.² Additionally, the White House has stated the “documents were discovered when the President’s personal attorneys were packing files housed in a locked closet to prepare to vacate office space at the Penn Biden Center in Washington, D.C.”³

The supposed timeline omitted nearly six months of communications between the White House and President Biden’s personal attorney and Ms. Chung—an employee of the Department of Defense—to pack up and move documents located in the Penn Biden Center that began in May 2022. According to Ms. Chung and an email produced to the Committee, you contacted her on May 24, 2022, after not having spoken to Ms. Chung for approximately a year and a half, when she worked for the Biden presidential campaign.⁴ Ms. Chung stated:

Q It appears from the email that White House counsel Dana Remus called you prior to emailing you. Do you remember if she called you on your government phone or on your private phone?

A My private phone.

Q When she asked you if there was something -- or when she referenced here that she had something to run by you, at this point did you have any indication or did you have any knowledge of what it was that she wanted to talk about?

A No.

Q Prior to receiving the voicemail and this email, when was the last time you had spoken to Dana Remus?

A A long time. Probably during the campaign.

Q And, again, this is approximate, but approximately when do you think that was? You can give a year.

A A year and a half.⁵

Ms. Chung previously worked for President Biden as his assistant when he was Vice President. During the final days of the Obama-Biden Administration, Ms. Chung packed up several moving boxes with materials from the West Wing, including files that she did not review and personal items. She stated:

² Statement from Bob Bauer, Personal Attorney for the President.

³ Statement of Richard Sauber, Special Counsel to the President.

⁴ Transcript of H. Comm. on Oversight & Accountability interview with Kathy Chung (“Transcript”), p. 15.

⁵ *Id.*

Q Going back to initially when these documents were being packed up in the West Wing, can you explain that process for us as to how they were packed up and what the documents were that you can remember?

A We did it by -- we had -- he had a lot of stuff, primarily, you know, a lot of mementos, photos, framed photos, a lot of books.

We had to keep the office sort of functioning, so we just, you know -- so we packed those up. And then the documents or any files we just -- you know, we gathered and put in a box for moving.

[...]

Q Okay. And what type of activities did you undertake? So, for example, did you sort through files and pack boxes?

A No.

Q No[?]

A We did not sort through files.⁶

Ms. Chung worked as then Vice President Biden's assistant from July 2012 to the end of the Obama-Biden Administration:

Q What was your position with the Vice President?

A Assistant to the Vice President.

Q And as the Assistant to the Vice President, what were your job duties?

A Primarily is -- was going through his day-to-day calendar with him, schedule.

Q When did you begin that job?

A July of 2012.

Q And how did you come to interview for that position?

⁶ Transcript, p. 20-21, 56-57.

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A I was -- I was -- Hunter Biden called me and asked me if I was interested in the position.

Q And Hunter Biden is now-President Biden's son, correct?

A Yes.

Q And how long did you have that position with Vice President Biden at the time?

A I started there at July 2012, and I finished the administration with him.⁷

After the Obama-Biden Administration ended, Ms. Chung was employed by then former Vice President's corporate entity, CelticCapri. Employees of CelticCapri (including Ms. Chung) worked out of and had access to the Penn Biden Center:

Q What did you do after the Obama-Biden administration transitioned?

A After we left office, the Vice President had a- opened up a private entity, and I went with him.

Q Do you remember the name of that private entity?

A CelticCapri.

Q Where was that located?

A We ended up in Penn Biden Center.⁸

In May 2022, you contacted Ms. Chung about packing and moving materials in the President's office at the Penn Biden Center, but she was not aware—contrary to the explanation given by the White House in January 2023—of any plan to vacate the office. Ms. Chung explained:

Q Now, in May of 2022, when Ms. Remus first reached out to you about those documents, was it surprising to you that the White House was reaching out to make sure that those documents were properly packed up and -- I'm sorry. Let me restart that question.

⁷ Transcript, p. 7-8.

⁸ Transcript, p. 11.

In May 2022, when Ms. Remus first reached out to you, was the vice -- were plans in progress to close down the Penn Biden Center now that the Vice President was in the White House?

A No. Not that I'm aware of.⁹

Instead, according to Ms. Chung, you contacted her to pack up the Penn Biden Center documents because "they were his documents, [and] they wanted to take possession of them."¹⁰ You contacted Ms. Chung on her personal email account from your White House email account—not her Department of Defense email account.¹¹ On June 28, 2022, Ms. Chung entered the Penn Biden Center and packed up 13 boxes that would later be found to have contained classified materials. She stated:

Q So is it fair to say that you arrived on the morning of June 28th of 2022 to pack up the boxes at Penn Biden Center?

A Yes, I believe so. Yep.

Q And then if you go to exhibit 1, Bates number 98, did you write an email to Dana Remus, White House counsel, on that date?

A The 98?

Q Yes, so Exhibit 1.

A From -- yes, I did.

Q And what's the date of that email?

A Tuesday, June 28, 2022.

Q So this was the same day that you're packing up the boxes at Penn Biden Center?

A Yes.

Q And what time did you send this email?

A 5:28.

Q Did you send this email when you had completed packing up the boxes?

⁹ Transcript, p. 119.

¹⁰ Transcript, p. 18.

¹¹ Transcript, p. 14-15.

A It was later that day.

Q Sorry. What was later that day?

A Oh, when I wrote this email.

Q So how much later that day did you write this email from when you finished completing packing up the boxes?

A Hours later. Hours later.

Q And there you wrote how many boxes?

A Thirteen boxes.¹²

You left the White House in July 2022. On October 4, 2022, Ms. Chung was notified by a Penn Biden Center employee that no one had picked up the boxes that Ms. Chung had packed in June 2022:

Q Then if we can go to Bates number 115 on exhibit 1, and then if we could start from the second from the bottom, the October 4, 2022, email at 10:32 a.m. from [Penn Biden Center employee 1] to you. What does she write?

A “Hi, Kathy. Checking in to see if the below mentioned boxes will be picked up soon. Thanks, [Penn Biden Center employee 1].”

Q And what was your response?

A “Wait. Did they not pick up back in June?”

Q And as you discussed with my colleagues, you were surprised at this point that the items had not been picked up, correct?

A Correct.¹³

On October 13, 2022, Ms. Chung notified Mr. Bauer, the President’s personal attorney, that boxes remained at the Penn Biden Center:

Q And in this text message dated October 13 of 2022, you send a text to Mr. Bob Bauer, correct?

¹² Transcript, p. 87-88.

¹³ Transcript, p. 94.

A Yes.

Q And you've said this before, but you knew Mr. Bauer from previously working in the administration and other government jobs; right?

A Yes.

Q Can you please read your text to him?

A "Bob, one thing I forgot to ask you today. There are still boxes of materials at the Penn Biden Center. They are wondering if someone is going to pick up. Dana went there in June, but decided it was too much to take I was told."¹⁴

Mr. Bauer responded via text message the same day that "Pat has begun to sort through them and so we should get this organized in the near future."¹⁵ According to Ms. Chung, "Pat" is a reference to Mr. Patrick Moore, a former personal attorney of President Biden.¹⁶ The Penn Biden Center is located in Washington D.C. Mr. Moore's office is in Boston. The National Archives has acknowledged it retrieved boxes from Mr. Moore's Boston office.¹⁷

The Committee believes you have direct knowledge of certain events relevant to this investigation prior to your departure from the White House in July 2022. The Committee questions why you, as White House Counsel, would task Ms. Chung, an employee at the Department of Defense, to do what was then believed to be a personal errand of the President—packing personal items not subject to the Presidential Records Act. The Committee questions why—if there is a valid reason why White House Counsel would be the appropriate coordinator of this task—the President's personal attorneys assumed responsibility for the task after your departure in July 2022, instead of your successor as White House Counsel. The Committee questions why you contacted Ms. Chung on her personal telephone and email account.

B. Ms. Chung's account complicates the White House's description of where and how classified documents were stored in the Penn Biden Center.

During her interview with the Committee, Ms. Chung provided information that potentially conflicts with the White House's characterization of how and where documents were stored. According to the White House's statement, in November 2022 the President's personal attorneys discovered the documents in a "locked closet" at the Penn Biden Center while preparing to vacate the space.¹⁸ As described above, the Committee's interview with Ms. Chung

¹⁴ Transcript, p. 95.

¹⁵ Transcript, p. 96.

¹⁶ *Id.*

¹⁷ Letter from Ms. Debra Steidel Wall, Acting Archivist, Nat'l Archives and Records Admin., to Sen. Ron Johnson & Sen. Charles E. Grassley (Mar. 7, 2023).

¹⁸ *Supra*, fn. 3.

showed Ms. Chung—not President Biden’s personal attorneys—packed boxes of documents in June 2022, not November 2022. The 13 boxes Ms. Chung packed, as well as additional boxes that were never unpacked from the Obama-Biden Administration, were not in a locked closet. She stated:

Q These boxes, when you went there on June 28th of 2022, and the items, were they in a locked closet?

A No.

Q Were any of the boxes in a locked closet at all?

A No.

Q Were any of the items that you boxed up and then put them in the 13 boxes so now you’ve boxed them up and packaged them up. Were those boxes placed in a locked closet?

A No.

Q Would you have even had the ability to lock them in a closet yourself without getting [Penn Biden employees] involved?

A No.¹⁹

Additionally, according to Ms. Chung, documents were in multiple places and were not secured:

Q When you first go into Penn Biden Center, I believe you said you need a fob to get in. Do I remember that correctly?

A Yes.

Q Do you need a fob to access any other part of Penn Biden Center once you go through the entrance?

A No.

Q So the fob is just to get you in the entranceway?

A Yes, to the suite.

¹⁹ Transcript, p. 88.

Q Okay. In order to get into the storage room, was the storage room locked?

A I'm trying to think if [Penn Biden employe 2] or [Penn Biden employee 1] had to unlock -- no, I believe not.

Q It's fair to say since it wasn't locked, you didn't have a key for the storage room then?

A No.

Q Did you have any other keys or fobs or anything else related to Penn Biden Center to get in any other areas that could be locked in Penn Biden Center?

A I had a fob and a key. I had a key to his office, which was not locked. No.²⁰

The Committee believes you may possess knowledge or information that would inform its investigation into how and where documents were stored at the Penn Biden Center after these items were packed by Ms. Chung at your direction on June 28, 2022, and your subsequent attempt to retrieve them on June 30, 2022. Additionally, the Committee believes you may possess information that would provide important insight regarding the discrepancies between Ms. Chung's explanation and the official account released by the White House after your departure from the White House in July 2022.

C. The timing of your initial outreach to Ms. Chung regarding documents at the Penn Biden Center coincides with important dates in the federal government's subpoena for documents at former President Trump's residence at Mar-a-Lago.

In January 2022, representatives from the National Archives and Records Administration (NARA) retrieved 15 boxes of presidential records from former President Trump's home at Mar-a-Lago, in Florida.²¹ The boxes reportedly contained classified materials, and in February 2022, the FBI opened a criminal investigation of the matter.²² On April 12, 2022, NARA informed former President Trump that it would provide the boxes to the FBI in furtherance of the FBI's investigation.²³ On April 29, 2022, and May 1, 2022, former President Trump requested an extension on NARA taking the documents to the FBI, citing the possibility of the applicability of executive privilege to the documents.²⁴

²⁰ Transcript, p. 82-83.

²¹ Jill Colvin & Lindsay Whitehurst, *A timeline of the investigation into Trump's Mar-a-Lago docs*, AP (Aug. 31, 2022).

²² *Id.*

²³ *Id.*

²⁴ *Id.*

On May 10, 2022, Acting U.S. Archivist Debra Steidel Wall wrote to Mr. Evan Corcoran, a personal attorney for former President Donald Trump, regarding the claim of executive privilege.²⁵ In her letter, Ms. Wall noted that “Counsel to the President has informed me that, in light of the particular circumstances presented here, President Biden defers to my determination, in consultation with the Assistant Attorney General for the Office of Legal Counsel, regarding whether or not I should uphold the former President’s purported ‘protective assertion of executive privilege.’”²⁶ Ms. Wall “decided not to honor the former President’s ‘protective’ claim of privilege” and provided the FBI access to records in NARA’s custody “as early as Thursday, May 12, 2022.”²⁷ On May 11, 2022, a grand jury issued a subpoena “directed to the custodian of records for the Office of Donald J. Trump” requesting all documents bearing classification markings.²⁸ The subpoena return was dated for May 24, 2022—notably, the same day you first contacted Ms. Chung to begin coordinating the moving of President Biden’s documents from Penn Biden Center.²⁹

D. The Committee is concerned about the President’s history of not exercising proper care toward classified materials.

Ms. Chung provided valuable insight into the President’s past handling of classified material. The Committee is troubled to learn that the President’s irresponsible handling of sensitive documents did not begin recently. As described above, the classified documents found at the Penn Biden Center on November 2, 2022, were packed originally in the West Wing in 2017 in part by Ms. Chung.³⁰ The Vice President’s Office did have a secured storage area for classified materials, but then Vice President Biden did not use it. Ms. Chung explained:

Q And was there a safe in the Vice President’s suite?

A Yes, there was. Uh-huh.

Q And could the safe have been used to store classified materials?

A Yes.

Q To your knowledge, was the safe used to store classified materials?

A No.

²⁵ Letter from Ms. Debra Steidel Wall, Acting Archivist, Nat’l Archives and Records Admin., to Mr. Evan Corcoran (May 10, 2022).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Supra*, fn. 21.

²⁹ United States’ Response to Motion for Judicial Oversight and Additional Relief. *Trump v. United States*, Case No. 22-CV-81294-CANNON (S.D. FL), p. 8.

³⁰ Transcript: p. 22.

Q Okay. To your knowledge, is a safe an appropriate place to store classified materials?

A Yes, of course.³¹

Additionally, Ms. Chung stated that when the Obama-Biden Administration ended on January 20, 2017, the boxes she and two other employees of the Office of the Vice President had packed with then-undiscovered classified materials were transported to a General Services Administration (GSA) facility for approximately six months.³² Then, those materials were transported to a temporary office space in Washington, D.C. by Ms. Chung and others:

Q Who moved the boxes from the first temporary office to the second temporary office?

A From the GSA office, we all put it in our cars and moved it.

Q Who's "we all"?

A Oh, Steve, myself, Sam and Melinda.

Q And I think you've said their last names already, but would you mind just repeating their last names?

A Oh, Steve Ricchetti, Melinda Medlin, Sam [Salk], Richard Ruffner and myself.³³

These are disturbing revelations. The President's haphazard handling of classified materials raises many additional questions about the repercussions of these actions, including possible threats to national security. As you are aware, additional classified material has been discovered at the President's home in Wilmington, Delaware, including in his garage. The Committee believes you may possess information or knowledge that is crucial to understanding how those documents arrived in Delaware, as you played a primary role in the events precipitating the discovery of documents in the President's CelticCapri corporate headquarters at the Penn Biden Center in Washington, D.C.

To assist the Committee with this investigation, please provide the following information no later than May 19, 2023:

1. All communications between yourself and Ms. Chung or any employee of CelticCapri since May 24, 2022 regarding President Biden's documents and other items that were stored at Penn Biden Center;

³¹ Transcript, p. 113.

³² Transcript: p. 32.

³³ Transcript, p. 33.

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2. All communications between yourself and any employee of the University of Pennsylvania or the Penn Biden Center from January 20, 2021 to when you departed the White House in July 2022; and
3. All documents and communications in your possession regarding President Biden's documents and other items that were stored at Penn Biden Center dated prior to your departure from the White House in July 2022.

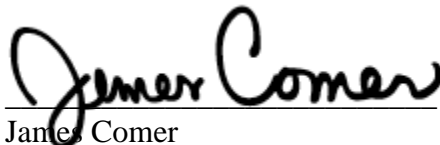
The Committee has provided instructions regarding how these materials should be produced and defined certain terms in the accompanying attachment.³⁴

Additionally, the Committee requests that you make yourself available for a transcribed interview with Committee staff. To arrange the transcribed interview, please contact either James Mandolfo or Jake Greenberg with the Committee at (202) 225-5074 by May 30, 2023.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Thank you for your prompt attention to this important investigation.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability

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

³⁴ Attachment A.