

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

October 11, 2023

Edward Siskel
White House Counsel
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Dear Mr. Siskel:

The Committee on Oversight and Accountability is investigating President Biden's mishandling of highly classified documents. 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 Penn Biden Center, including the location and security of the classified documents. The Committee has also learned that one of your predecessors as White House Counsel, Ms. Dana Remus, and other White House employees were central figures in the early stages of coordinating the organizing, moving, and removing of boxes that were later found to contain classified materials. Given Special Counsel Robert Hur's recent interview with President Biden, the White House should be fully transparent and cooperative with the Committee's requests described in detail below.¹

The Committee seeks information to understand why President Biden used significant federal resources, including five White House employees and a Department of Defense employee, to access and secure what were purportedly personal items of President Biden at Penn Biden Center. Additionally, the Committee is concerned by the omissions in President Biden's timeline based on the following discoveries:

- **March 18, 2021** – Annie Tomasini (Assistant to the President and Senior Advisor to the President and Director of Oval Office Operations) went to Penn Biden Center to take inventory of President Biden's documents and materials.²
- **May 24, 2022** – Dana Remus (former White House Counsel and Assistant to the President) contacted Kathy Chung (Department of Defense employee and former Assistant to then Vice President Biden) using Kathy Chung's personal email address to

¹ Arden Farhi, CBS News, *Biden interviewed in special counsel investigation into documents found at his office and home* (Oct. 9, 2023).

² Letter from Penn Biden Center Employee 1 to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Aug. 8, 2023).

retrieve President Biden's documents and materials that were located at Penn Biden Center.³

- **June 28, 2022** – Kathy Chung went to Penn Biden Center to pack up President Biden's documents and materials.⁴
- **June 30, 2022** – Dana Remus, Anthony Bernal (Assistant to the President and Senior Advisor to the First Lady), and another unknown White House employee went to Penn Biden Center to take possession of the boxes of documents and materials but could not fit all of the boxes into their vehicle.⁵
- **October 12, 2022** – Ashley Williams (Special Assistant to the President and Deputy Director of Oval Office Operations) and Pat Moore (President Biden's personal attorney), went to Penn Biden Center to do "the next wave of assessing of files and looking at boxes."⁶
- **October 13, 2022** – Ashley Williams returned to Penn Biden Center and left with "a few" of President Biden's boxes.⁷
- **October 13, 2022** – Bob Bauer (President Biden's personal attorney) texted Kathy Chung that Pat Moore had begun to sort through the boxes at Penn Biden Center.⁸

Each of the encounters above was omitted from the White House's and President Biden's personal attorney's public statements. In January 2023, President Biden's personal attorney, Bob Bauer, released a statement that included a timeline of events that inexplicably began on November 2, 2022, with the "unexpected[] discover[y]" of Obama-Biden records at Penn Biden Center.⁹ President Biden's timeline was incomplete and misleading. It omitted months of communications, planning, and coordinating among multiple White House officials, Ms. Chung, Penn Biden Center employees, and President Biden's personal attorneys to retrieve the boxes containing classified materials. The timeline also omitted multiple visits from at least **five White House employees**, including Dana Remus, Anthony Bernal, Ashley Williams, Annie Tomasini, and an unknown staffer. There is no reasonable explanation as to why this many

³ Transcript of H. Comm. on Oversight & Accountability interview with Kathy Chung ("Chung Transcript"), p. 14.

⁴ Chung Transcript, pp. 87-89.

⁵ Transcript of H. Comm. on Oversight and Accountability interview with Penn Biden Center Employee 1 ("Penn Biden Center Employee 1 Transcript"), pp. 11-15.

⁶ Penn Biden Center Employee 1 Transcript, pp. 17, 38-40.

⁷ Letter from Penn Biden Center Employee 1 to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Aug. 8, 2023).

⁸ Chung Transcript, p. 96.

⁹ Statement from Bob Bauer, Personal Attorney for the President (Jan. 14, 2023).

White House employees and lawyers were so concerned with retrieving boxes they believed only contained personal documents and materials.

Indeed, their visits dated back to March 2021, when Annie Tomasini initiated contact with Penn Biden Center to schedule a visit and “take inventory of what was left at the Center[.]”¹⁰ Importantly, no public statement has reflected that Ashley Williams, another White House employee, allegedly removed boxes from Penn Biden Center on October 13, 2022.¹¹ To date, the White House has not disclosed what was in the boxes Ms. Williams retrieved or where they were delivered.

The White House claims that “what appear[ed] to be Obama-Biden Administration records, including a small number of documents with classified markings” were found at Penn Biden Center on November 2, 2022.¹² The White House and President Biden’s personal attorney, Bob Bauer, further claim that National Archives and Records Administration (NARA) was contacted on the same day.¹³ NARA “took possession of the materials the following morning.”¹⁴ Both the White House and Mr. Bauer, however, have failed to disclose that Pat Moore, President Biden’s personal attorney, scheduled a FedEx pickup with Penn Biden Center employees for November 2, 2022.¹⁵ The Committee has uncovered that a FedEx worker showed up to Penn Biden Center on November 2, 2022, to “load[] the documents and then [take them] down to the loading dock” to be shipped out.¹⁶ The Committee finds it troublesome that boxes of documents were potentially removed from Penn Biden Center prior to NARA’s arrival and assessment.

In May 2022, Ms. Remus coordinated the retrieval of President Biden’s personal items from Penn Biden Center—an administrative matter that neither required her legal expertise nor her involvement. Notably, Ms. Remus first contacted Kathy Chung regarding the materials at Penn Biden Center on the exact same day the Department of Justice subpoenaed former President Trump for classified documents.¹⁷ At that time, Ms. Chung worked for the Department of Defense—not the White House—and Ms. Remus contacted her on a personal phone number and private email address, thus evading potential Freedom of Information Act (FOIA) disclosures. Ms. Remus and Ms. Chung then coordinated with Penn Biden Center employees to access President Biden’s personal items.¹⁸

¹⁰ Penn Biden Center Employee 1 Transcript, p. 69.

¹¹ Letter from Penn Biden Center Employee 1 to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Aug. 8, 2023).

¹² Statement of Richard Sauber, Special Counsel to the President (Jan. 9, 2023).

¹³ *Id.*; Statement from Bob Bauer, Personal Attorney for the President (Jan. 14, 2023).

¹⁴ Statement of Richard Sauber, Special Counsel to the President (Jan. 9, 2023).

¹⁵ Penn Biden Center Employee 1 Transcript, pp. 26, 30-31.

¹⁶ Penn Biden Center Employee 1 Transcript, p. 32.

¹⁷ Case 9:22-cv-81294-AMC Document 48, Attachment, p. 11, *available at* <https://www.courtlistener.com/docket/64911367/48/1/trump-v-united-states/>.

¹⁸ Chung Transcript, pp. 25, 34-35.

The Committee is concerned as to why Ms. Remus—the White House’s top lawyer—played such an integral role in gathering President Biden’s boxes that were purportedly believed to contain non-government materials. The Committee is also interested in the extent of assistance offered by the White House to assess and pack these boxes. As we now know, the boxes at Penn Biden Center held sensitive, classified materials. It is obvious to the Committee that the White House and President Biden’s personal attorneys were concerned about the contents of the boxes held at Penn Biden Center months before contacting NARA.

The Committee requested information directly from Ms. Remus,¹⁹ and although she claims to be “committed to cooperating with the Committee and responding to [its] requests,” she has asked that we “redirect [our] requests to the White House.”²⁰ We seek Ms. Remus’s participation in a transcribed interview to further understand the timeline of events and her involvement with retrieving President Biden’s personal documents from Penn Biden Center. The White House should be fully transparent with the American people and not object to Ms. Remus participating in a transcribed interview.

The White House has represented that 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 Penn Biden Center in Washington, D.C.”²¹ Although the White House has claimed the boxes were discovered “in a locked closet,”²² Penn Biden Center unlocked this closet each visit and allowed multiple people—whose levels of security clearance remain unknown—to access the boxes containing classified materials.²³ The boxes of documents were located in either Kathy Chung’s office or a “closet that had other boxes.”²⁴ The Committee believes the White House can provide important insight regarding the discrepancies between the official accounts released by the White House and President Biden’s attorney, and the explanations we have received through multiple transcribed interviews regarding the classified documents.

Accordingly, we request that the White House provide the following information dated from January 2021 to present:

1. All documents and communications regarding an accounting of the items Ms. Williams took from Penn Biden Center on October 13, 2022;

¹⁹ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability to Ms. Dana Remus (May 5, 2023).

²⁰ Letter from Mr. Peter Koski to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (May 19, 2023).

²¹ Statement of Richard Sauber, Special Counsel to the President (Jan. 9, 2023).

²² *Id.*

²³ Penn Biden Center Employee 1 Transcript, pp. 19-20, 36-39.

²⁴ Penn Biden Center Employee 1 Transcript, pp. 19-20.

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2. All communications between or among White House employees regarding President Biden's documents and items at Penn Biden Center;
3. All communications between the White House and Ms. Remus, after she departed from government service, regarding President Biden's documents at Penn Biden Center;
4. All communications, including drafts, related to the White House's public statements made by Richard Sauber regarding President Biden's mishandling of classified documents;
5. All documents or communications between or among White House employees and NARA employees regarding documents at Penn Biden Center;
6. All documents or communications from Ms. Remus to any ethics officials requesting guidance if she could task a federal employee from a different federal agency to assist with obtaining personal items on behalf of President Biden or his personal attorneys; and
7. All policies and training materials prepared by the White House and/or the Executive Office of the President covering its employees use of personal email accounts to circumvent FOIA.

In addition, we request transcribed interviews with the following current and former White House employees:

1. Dana Remus, former White House Counsel and Assistant to the President;
2. Anthony Bernal, Assistant to the President and Senior Advisor to the First Lady;
3. Ashley Williams, Special Assistant to the President and Deputy Director of Oval Office Operations;
4. Annie Tomasini, Assistant to the President and Senior Advisor to the President and Director of Oval Office Operations; and
5. Katie Reilly, Advisor to the Chief of Staff.

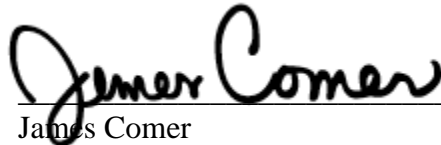
To arrange these transcribed interviews, please contact either James Mandolfo or Jake Greenberg with the Committee at (202) 225-5074 by October 18, 2023.

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 matter.

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Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, looping "J" and "C".

James Comer
Chairman
Committee on Oversight and Accountability

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