

From: "Olsen, Matthew (NSD)" (b) (6), (b) (7)(C)
To: "Bratt, Jay (NSD)" (b) (6)
Cc: "Newman, David (NSD)" (b) (6), (b) (7)(C) "Lausch, John (USAILN)"
(b) (6), (b) (7)(C) >, "Atkinson, Lawrence (ODAG)" (b) (6)

Subject: Re: Call Tomorrow

Date: Tue, 15 Nov 2022 20:27:41 +0000

Importance: Normal

Attachments: 11_10_2022_Bauer_Letter.pdf

Embedded: unnamed; unnamed(1); unnamed(2)

Thanks, Jay.

Sent from my iPhone

On Nov 15, 2022, at 11:09 AM, Bratt, Jay (NSD) <(b) (6), (b) (7)(C)> wrote:

To give John some background, I am attaching the following: the referral from NARA's OIG, an email I sent to Matt last week setting out the timeline on how NARA learned of the existence of the records, the letter I sent to Bob Bauer, and his email in response. NARA is now in possession of all the boxes that were at the Penn Biden Center, including those related to Beau Biden and to the President's prior campaigns. There is a total of 42 boxes, nine of which are in Boston at NARA's facility at the JFK library. Nine classified records have been recovered. For John's awareness, Gary Stern is NARA's general counsel.

Jay

From: Newman, David (NSD) (b) (6), (b) (7)(C)
Sent: Tuesday, November 15, 2022 10:26 AM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C); Lausch, John (USAILN) (b) (6), (b) (7)(C) >; Olsen, Matthew (NSD) (b) (6), (b) (7)(C)
Cc: Atkinson, Lawrence (ODAG) (b) (6)
Subject: RE: Call Tomorrow

After 6:30 ET (or later) would also work for me. Defer to others' schedule. Matt Olsen will likely still be in transit during that time.

--David

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Tuesday, November 15, 2022 8:35 AM
To: Lausch, John (USAILN) (b) (6), (b) (7)(C); Olsen, Matthew (NSD) <(b) (6), (b) (7)(C)>
Cc: Newman, David (NSD) (b) (6), (b) (7)(C); Atkinson, Lawrence (ODAG) (b) (6)
Subject: RE: Call Tomorrow

To clarify, I land around 4 CST. To be safe, I can do 5:30 CST/6:30 EST or any time afterwards. Thanks.

From: Lausch, John (USAILN) <(b) (6), (b) (7)(C)>
Sent: Tuesday, November 15, 2022 12:30 AM
To: Olsen, Matthew (NSD) (b) (6), (b) (7)(C)
Cc: Bratt, Jay (NSD) (b) (6), (b) (7)(C); Newman, David (NSD) (b) (6), (b) (7)(C); Atkinson, Lawrence (ODAG) (b) (6)
Subject: Re: Call Tomorrow

I can make late afternoon work. Thanks.

On Nov 14, 2022, at 10:30 PM, Olsen, Matthew (NSD) <(b) (6), (b) (7)(C)> wrote:

I defer to Jay's schedule.

Get [Outlook for iOS](#)

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Monday, November 14, 2022 9:30:20 PM
To: Olsen, Matthew (NSD) (b) (6), (b) (7)(C)
Cc: Newman, David (NSD) (b) (6), (b) (7)(C); Atkinson, Lawrence (ODAG) (b) (6); Lausch, John (USAILN) <(b) (6), (b) (7)(C)>
Subject: Re: Call Tomorrow

I get into Dallas around 4. Later is better.

On Nov 14, 2022, at 9:20 PM, Olsen, Matthew (NSD) <(b) (6), (b) (7)(C)> wrote:

All -

4:00 is better for me if that works. I have a flight at 5:15.

Get [Outlook for iOS](#)

From: Newman, David (NSD) (b) (6), (b) (7)(C)
Sent: Monday, November 14, 2022 9:13:08 PM
To: Atkinson, Lawrence (ODAG) (b) (6)
Cc: Lausch, John (USAILN) (b) (6), (b) (7)(C); Bratt, Jay (NSD) (b) (6), (b) (7)(C); Olsen, Matthew (NSD) <(b) (6), (b) (7)(C)>
Subject: Re: Call Tomorrow

4pm good with me. 5pm ok too if needed.

On Nov 14, 2022, at 8:59 PM, Atkinson, Lawrence (ODAG) (b) (6) > wrote:

Hey all,

Apologies for the delay, but would folks be free around 4 PM or 5 PM for a call tomorrow?

Best,
Rush

L. Rush Atkinson

Associate Deputy Attorney General

Office of the Deputy Attorney General

(b) (6) (cell); (b) (6) (office)

From: (b) (6), (b) (7)(C)
To: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C) >, (b)(3)
Cc: Brett Baker (b) (6), (b) (7)(C) >, Jason Metrick <(b) (6), (b) (7)(C)>
Subject: [EXTERNAL] Sensitive NARA Matter
Date: Fri, 4 Nov 2022 23:17:17 +0000

Good evening,

NARA OIG seeks your guidance on a sensitive matter involving classified records related to President Biden's time as Vice President.

NARA OIG was notified that on November 2nd, NARA's Office of General Counsel (NGC) received information from President Biden's White House Counsel concerning boxes of records and other items related to President Biden's tenure as Vice President dating to approximately 2013-2019. Specifically, NGC reported the following information to NARA OIG:

- Approximately 50 to 60 boxes of records were located in an office previously used by President Biden at the Penn Biden Center office in Washington, DC. It was reported that during a precursory inspection of those boxes, some records containing classified markings were identified.
- 3 boxes that were identified as containing these classified materials and other potential PRA records were retrieved by NARA on November 3rd. NARA completed a review of the documents in those boxes and identified 9 classified records totaling 44 pages (Confidential and TSCI classifications). These records are currently maintained in a NARA SCIF.
- 8 to 10 boxes of records were identified as containing personal effects and were retrieved by an attorney working with President Biden for additional review (not in NARA custody).
- 15 boxes contained materials related to Beau Biden's death (not in NARA custody).
- 10 boxes contained materials related to the DNC Campaign (from President Biden's previous campaign efforts - not in NARA custody).
- Approximately 30 additional boxes remain at the Penn Biden Center office in Washington, DC, awaiting further review. NARA anticipates retrieval of these boxes as early as Monday, and the exact contents of these boxes is not yet known.

(b)(5) per NARA

Given the sensitive nature of this matter we seek guidance from DOJ and DNI, and would appreciate coming together to discuss further.

Please feel free to respond and let us know when would be a good time to schedule a meeting (preferably by Monday).

Thank you,

(b) (6), (b) (7)(C)

NARA-OIG

o: (b) (6), (b) (7)(C)

m: (b) (6), (b) (7)(C)

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From: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)

To: "Olsen, Matthew (NSD)" (b) (6), (b) (7)(C)

Cc: "Toscas, George (NSD)" (b) (6), (b) (7)(C)

Subject: Call with Gary Stern

Date: Tue, 8 Nov 2022 00:07:26 +0000

Matt:

I spoke with Gary Stern, who clarified for me the timeline and which counsel were involved in notifying NARA of the records at the Biden Center. Gary said he received a call around 8 pm last Wednesday evening, 11/2, from Dick Sauber and Stuart Delery from White House Counsel's Office (WHCO). Sauber informed Gary that the POTUS' private counsel, Pat Moore, had been going through records in POTUS' former office in the Biden Center and came across three boxes that had records with classification markings. Sauber asked whether NARA could retrieve the boxes that evening, but Gary wasn't able to get people there until the next morning, Thursday, 11/3. That morning, NARA retrieved the boxes and took them back to NARA. A review confirmed that there were nine documents with classification markings. Gary called Sauber on Friday to advise him of the review of the boxes. Sauber connected Gary with POTUS' private counsel, Bob Bauer and Pat Moore. They explained that Moore was reviewing the records as part of an effort to clear out the office that POTUS had been using at the Biden Center until he ran for president. Moore had been in the WHCO in the Obama Administration and said he was familiar with PRA records. According to Moore, who works for Hemenway and Barnes in Boston, he had been to the Biden Center in October and had sent to Boston some records related to POTUS' earlier campaigns. During his latest visit, he sent the remaining campaign boxes back to Boston. According to Gary, Moore has represented that he has secured the boxes in a space to which only he has access and that he has not opened any of the boxes since sending them back. I have asked Gary to confirm with Moore that boxes remain secured and in the same condition as when they were shipped. NARA will be returning to the Biden Center tomorrow to retrieve the remaining boxes of records. Approximately fifteen boxes with condolence cards from the passing of Beau Biden also remain at the Biden Center. NARA does not plan to take those boxes.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: Bob Bauer (b) (6)
To: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
Cc: "Moore, M. Patrick" (b) (6)
Subject: [EXTERNAL] Re: Correspondence
Date: Fri, 11 Nov 2022 20:06:32 +0000

Dear Mr. Bratt:

I am in receipt by email of your letter of November 10, 2022. You have correctly directed it to me; I am also copying my colleague Pat Moore.

We have no objection to any of the steps that you have outlined in your letter. We have cooperated with the National Archives ("NARA") since we notified them of the discovery of the documents; and we will continue to cooperate fully with the Department and, as directed by the Department, with NARA.

We think it would be useful to share with you steps that have already been taken, so that you can determine any additional necessary steps.

Certain materials with classification markings were located on November 2, 2022 by the President's personal counsel in the course of reviewing materials at the Penn Biden Center in Washington. Upon identifying the materials, counsel immediately notified White House Counsel of the discovery, who in turn notified officials at NARA and sought their direction, which we committed to follow. NARA retrieved the documents the following morning.

Earlier this week, NARA returned to the Penn Biden Center to review and catalogue materials remaining there, certain of which NARA removed, and certain of which remain. We will work with you expeditiously to facilitate the Department's review of that remaining material. In addition, we have worked with NARA to facilitate its possession of materials that had been transferred from the Penn Biden Center to counsel's offices.

We will work, subject to your direction, with the Penn Biden Center to ensure the additional materials there are secure; and to facilitate your access to them if and as needed.

We do not know of any rooms or locations that contain additional potential government records and materials from President Biden's time as Vice President, but will immediately acknowledge and act as directed in the event we learn of any, as we did here.

In response to your request, as the President's personal counsel, we give our client's express consent for FBI and DOJ personnel to review "any and all government records and other materials at NARA that were previously stored at the Penn Biden Center (including materials transported to Boston)."

I think it would be helpful to have a phone call so that we may discuss next steps. I am available at your convenience for such a call, but I wanted to respond with this email today to confirm receipt of your letter and convey our commitment to cooperation.

Best,
Bob Bauer

On Thu, Nov 10, 2022 at 6:28 PM Bratt, Jay (NSD) <(b) (6), (b) (7)(C)> wrote:

Dear Mr. Bauer:

Please see the attached letter. Thank you.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)
(C)

(b) (6), (b) (7)(C)



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, D.C. 20530

November 10, 2022

Bob Bauer, Esq.
New York University Law School
40 Washington Square South
New York, New York 10012

VIA EMAIL

Dear Mr. Bauer:

Late last week, the National Archives and Records Administration (NARA) advised the Department of Justice that it had recently taken possession of three boxes containing government records that had been stored at the Penn Biden Center in Washington, D.C. and that documents with classification markings were found within those boxes. I have been advised that you were in contact with NARA on behalf of President Biden following the discovery of such boxes and documents. As a result, I am sending this letter to you, but please immediately advise if it needs to be directed to others.

Based on engagement over the past week with NARA, it is our initial understanding that the records and documents relate to the period during which President Biden served as Vice President and that they were maintained until last week at an office at the Penn Biden Center formerly used by President Biden (in the period between his Vice Presidency and Presidency). We have been further advised by NARA that additional boxes of materials were transferred to NARA by representatives of Mr. Biden on November 9, and that further boxes that had been transported from the Penn Biden Center to Boston were retrieved by NARA yesterday. Furthermore, we are alert to the possibility that additional boxes with records may remain at the Penn Biden Center.

The prospect that classified material may have been stored in an unsecure location over a prolonged period may have national security implications. At this early stage and pending further action, it is imperative the following steps be taken (including steps that we understand may already have been requested of you by NARA):

- those with authority to act on behalf of the Penn Biden Center and the post-Vice Presidential Office in this matter must immediately ensure that rooms and locations that

contain any additional potential government records and materials from President Biden's time as Vice-President are secured;

- beyond preserving the status quo, refrain from moving or reviewing any such materials until we understand what materials exist, where they are located, and we make any necessary arrangements to retrieve and review such materials;
- preserve all available video footage, visitor logs, and other access records from the Penn Biden Center (and any other location where materials may be or have been stored);
- provide a list of any and all locations where materials relating to the period during which President Biden served as Vice President have been or are now stored since his Vice Presidency ended; and
- give express consent for FBI and Department of Justice personnel to review any and all government records and other materials at NARA that were previously stored at the Penn Biden Center (including the materials transported to Boston).

If there is any objection to taking these steps, please advise me by 5:00pm tomorrow, November 11, 2022. If you have any questions, let's set up a time to talk at your earliest availability.

Very truly yours,



Jay I. Bratt
Chief

Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

(b) (6), (b) (7)(C)



U.S. Department of Justice

National Security Division

Office of the Assistant Attorney General

Washington, D.C. 20530

November 9, 2022

Bob Bauer, Esq.
New York University Law School
40 Washington Square South
New York, New York 10012

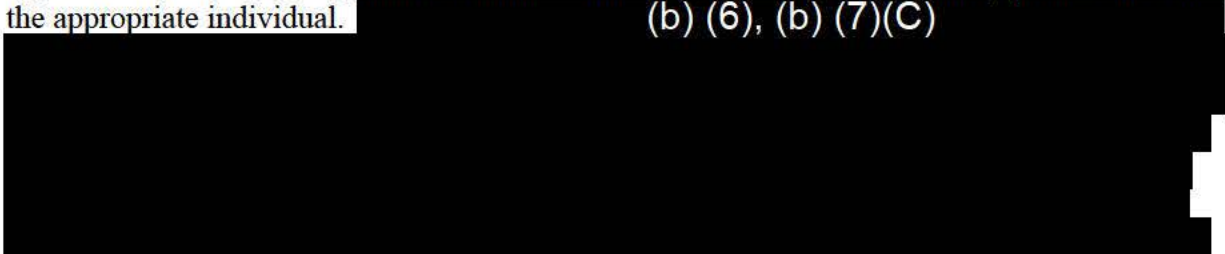
VIA EMAIL

Dear Mr. Bauer:

As you are aware, over the last week, the National Archives and Records Administration (NARA) has retrieved boxes of records from the office President Biden previously used at the Penn Biden Center in Washington, D.C. Some of the boxes contained documents bearing classification markings. I have been advised that you and another attorney for President Biden, Pat Moore, have been in contact with NARA about the discovery of the documents and cooperation. I know that Mr. Moore agreed today to transfer some records in his custody in Boston to NARA.

As I am sure you understand, the Penn Biden Center is not authorized location for the storage of classified records. It is of utmost importance both to the Department of Justice and to the Intelligence Community that any classified materials not properly stored be identified, located, and transferred to an appropriate facility. Doing so is crucial to the national security. Toward that end, my Office and the Federal Bureau of Investigation (FBI) have opened an investigation into this matter in order both to determine whether any classified records remain unsecured and learn how the classified records retrieved from the Penn Biden Center came to be there, who had access to them, and who may have handled them.


I am writing to seek your assistance in taking some important steps in our investigation. If you are not the correct person or counsel with whom I should be in contact, please direct me to the appropriate individual. (b) (6), (b) (7)(C)



Thank you for your anticipated ongoing cooperation.

Very truly yours,

Jay I. Bratt
Chief
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice
(b) (6), (b) (7)(C)



FW: [EXTERNAL] Consent for Review of Documents

From: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
To: (b) (6), (b) (7) (NSD)" (b) (6), (b) (7)(C)
Date: Mon, 14 Nov 2022 18:29:56 +0000

From: Bob Bauer (b) (6)
Sent: Monday, November 14, 2022 12:34 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Cc: Moore, M. Patrick (b) (6), (b) (7)(C)
Subject: [EXTERNAL] Consent for Review of Documents

Dear Mr. Bratt:

By email on November 11, 2022, in response to your letter dated November 10, 2022, I provided express consent on behalf of President Biden for "FBI and Department of Justice personnel to review any and all government records and other materials at NARA that were previously stored at the Penn Biden Center (including the materials transported to Boston)."

In our call yesterday, you asked that (b) (6), (b) (7)(C)

Best,
Bob Bauer

RE: [EXTERNAL] Consent for Review of Documents

From: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
To: Bob Bauer (b) (6)
Cc: "Moore, M. Patrick" (b) (6) (b) (6), (b) (7) (NSD)" (b) (6), (b) (7)(C)
Date: Mon, 14 Nov 2022 18:33:02 +0000

Thank you.

From: Bob Bauer (b) (6)
Sent: Monday, November 14, 2022 12:34 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Cc: Moore, M. Patrick (b) (6)
Subject: [EXTERNAL] Consent for Review of Documents

Dear Mr. Bratt:

By email on November 11, 2022, in response to your letter dated November 10, 2022, I provided express consent on behalf of President Biden for "FBI and Department of Justice personnel to review any and all government records and other materials at NARA that were previously stored at the Penn Biden Center (including the materials transported to Boston)."

In our call yesterday, you asked that (b) (6), (b) (7)(C)

Best,
Bob Bauer

RE: [EXTERNAL] Re: Authorization for Access to Records

From: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
To: (b) (6), (b) (7) (NSD)" (b) (6), (b) (7)(C)
Date: Wed, 16 Nov 2022 03:33:12 +0000

I'll call in a couple of minutes. Thanks.

From: (b) (6), (b) (7) (NSD) (b) (6), (b) (7)(C)
Sent: Tuesday, November 15, 2022 10:31 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Subject: Re: [EXTERNAL] Re: Authorization for Access to Records

Jay,
Just seeing this. Happy to jump on a call.

Sent from my iPhone

On Nov 15, 2022, at 8:57 PM, Bratt, Jay (NSD) (b) (6), (b) (7)(C) wrote:

Would you be able to have a quick call later – maybe in 45 minutes? Thanks.

From: Gary Stern <garym.stern@nara.gov>
Sent: Tuesday, November 15, 2022 8:38 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7) (NSD) (b) (6), (b) (7)(C) Bosanko, William <william.bosanko@nara.gov>
Subject: [EXTERNAL] Re: Authorization for Access to Records

J.Bratt, we have now obtained the authorization from the incumbent President for this request, and have cleared it with the PRA reps of (b) (6), (b) (7)(C) and VP Biden. Accordingly, please coordinate with J.Bosanko on the logistics for accessing the boxes in our Main Archives Building downtown.

Also please let us know what shipping method we should use to move the boxes from the JFK Library to DC?

Thanks,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov

On Mon, Nov 14, 2022 at 4:23 PM Bratt, Jay (NSD) (b) (6), (b) (7)(C) wrote:

Gary:

In the attached email from Bob Bauer, I have received concurrence from the President and from (b) (6), (b) (7)(C) to DOJ and the FBI getting access to all records NARA has retrieved from the Penn Biden Center. The FBI would like to make arrangements to review the records as soon as possible. With respect to the nine boxes that were brought last week to NARA's facility at the JFK Library in Boston, would it be possible to have them sent to NARA in D.C.?

Please let me know if you have any questions. Thanks.

Jay

Jay I. Bratt
Chief
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(b) (6), (b) (7)(C)

RE: [EXTERNAL]

From: "Lausch, John (USAILN)" (b) (6), (b) (7)(C)
To: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C); "Toscas, George (NSD)" (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) (NSD); (b) (6), (b) (7)(C)
Date: Wed, 16 Nov 2022 19:42:21 +0000

Thanks.

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, November 16, 2022 1:42 PM
To: Toscas, George (NSD) (b) (6), (b) (7)(C)
Cc: Lausch, John (USAILN) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Subject: Re: [EXTERNAL]

Now I understand. Thanks.

On Nov 16, 2022, at 1:40 PM, Toscas, George (NSD) (b) (6), (b) (7)(C) wrote:

(b) (5)

Sorry for the confusion.

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, November 16, 2022 2:35 PM
To: Lausch, John (USAILN) (b) (6), (b) (7)(C)
Cc: Toscas, George (NSD) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Subject: Re: [EXTERNAL]

I'm a little confused. (b) (5)
But maybe I'm not understanding something.

On Nov 16, 2022, at 1:27 PM, Lausch, John (USAILN) (b) (6), (b) (7)(C) wrote:

(b) (5)

From: Toscas, George (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, November 16, 2022 2:15 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C); Lausch, John (USAILN) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Subject: RE: [EXTERNAL]

(b) (5)

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, November 16, 2022 2:15 PM
To: Lausch, John (USAILN) (b) (6), (b) (7)(C); Toscas, George (NSD) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Subject: RE: [EX

(b) (5)

Below is what I propose sending back to Bob:

Bob:

(b) (5)

Thank you.

Jay

From: Lausch, John (USAILN) <(b) (6), (b) (7)(C)>

Sent: Wednesday, November 16, 2022 12:00 PM

To: Bratt, Jay (NSD) (b) (6), (b) (7)(C); Toscas, George (NSD) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)

Subject: RE: [EXTERNAL]

Thanks Jay.

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)

Sent: Wednesday, November 16, 2022 12:00 PM

To: Lausch, John (USAILN) (b) (6), (b) (7)(C); Toscas, George (NSD) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)

Subject: FW: [EXTERNAL]

FYI

From: Bob Bauer (b) (6)

Sent: Wednesday, November 16, 2022 12:00 PM

To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)

Cc: Moore, M. Patrick (b) (6)

Subject: [EXTERNAL]

Dear Mr. Bratt:

We wanted to give you this update on our steps to ensure the security of the materials remaining in the President's former office at the Penn Biden Center.

We spoke with (b) (6), (b) (7)(C) and told her we needed to ascertain who currently has access to that space and how we can ensure that it is completely secured. She referred me to one of two Penn Biden employees in D.C., (b) (6), (b) (7)(C) who called and informed me that only she and one other Penn Biden employee, (b) (6), (b) (7)(C), have access to that space. We have advised her that we needed to keep the areas where materials have been and currently are stored completely clear, locked, and secured, except with permission of Biden counsel as we continue to work through the materials to determine how best to sort them through them and provide for their appropriate disposition.

Pat Moore will be coordinating with (b) (6), (b) (7)(C) to further ensure that except as authorized by him, nobody accesses that space.

On a further note, we are now completing the narrative of the arrangements during the late 2016-early 2017 transition for the proper disposition of records and materials, all based on the best information available to us. It will include the list of individuals known to us to have relevant information.

Please let me know if you have any questions.

Best,
Bob

RE: [EXTERNAL]

From: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Date: Wed, 16 Nov 2022 19:12:19 +0000

That makes sense. I could send it as a response to Bauer's email. Let me run it by George and John first. Thanks.

From: (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, November 16, 2022 2:06 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Subject: RE: [EXTERNAL]

Jav.

(b) (5), (b) (6), (b) (7)(C)

Below is a draft email:

I'm happy to send if you want, or you can.

(b) (5), (b) (6), (b) (7)(C)

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, Nov 16, 2022 2:06 PM
To: Lausch, John (USAILN) (b) (6), (b) (7)(C); Toscas, George (NSD) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
Subject: [REDACTED]

Duplicative Material

Duplicative Material

FW: [EXTERNAL]

From: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
To: "Lausch, John (USAILN)" (b) (6), (b) (7)(C) "Toscas, George (NSD)" (b) (6), (b) (7)(C)
(b) (6), (b) (7) (NSD)" (b) (6), (b) (7)(C)
Date: Thu, 17 Nov 2022 01:53:52 +0000
Attachments: 11.16.2022 Narrative (Final).pdf (25.4 kB)

I will respond. In addition to thanking him, I will request POCs for the consent search of the Penn Biden Center along the lines George suggested. (b) (6), (b) (7) and the agents will be interviewing Pat Moore on Friday at the office of his counsel, Peter Koski at Covington Burling.

From: Moore, M. Patrick (b) (6)
Sent: Wednesday, November 16, 2022 6:08 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Cc: Bob Bauer (b) (6), (b) (7)(C)
Subject: RE: [EXTERNAL]

Mr. Bratt:

The narrative that you requested, and that Bob mentioned below, is attached here. Please let us know of any questions.

Thanks and best regards,
Pat

M. Patrick Moore Jr.
Hemenway & Barnes LLP | 75 State Street | Boston, MA 02109 | (b) (6)
[Website](#) | [Hemenway Trust Company](#)

From: Bob Bauer (b) (6)
Sent: Wednesday, November 16, 2022 6:08 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Cc: Moore, M. Patrick (b) (6)
Subject: [EXTERNAL]

Duplicative Material



Pursuant to your request of November 13, 2022, we have compiled a narrative concerning any government records located at the Penn Biden Center; and a list of individuals who had a role relative to the transition out of the Office of the Vice President in late 2016 and early 2017.

Unless otherwise noted, this narrative is based on information learned by counsel, and reflects our best current understanding of the relevant facts.

Narrative

We understand that counsel in the Office of the Vice President (OVP) provided guidance to employees of OVP concerning the proper handling and disposition of documents subject to the Presidential Records Act (PRA), including documents with classified information, at the close of the Obama-Biden Administration.

We understand, further, that hard copy documents retained in OVP offices (including in the West Wing and in the Eisenhower Executive Office Building (EEOB)) and at the official residence at the Naval Observatory were collected and reviewed over the closing months of the Administration to determine their appropriate disposition. As we understand it, the overwhelming majority of such documents were sent to the National Archives (NARA) in coordination with NARA; or, if the document was an unannotated copy of an electronic record already at NARA, appropriately discarded. A very limited class of documents was permitted to be transferred elsewhere—specifically, personal records. In addition, a handful of more senior officials were permitted to take with them courtesy copies of unclassified government records that were unannotated and otherwise preserved at NARA. We understand that the concept of courtesy copies of unclassified materials was discussed with, and approved by, NARA, and the process for such courtesy copies to be made and retained by senior officials was approved by counsel.

We do not know whether materials recently located at the Penn Biden Center were previously located at the OVP offices on the White House campus; or, alternatively, at the Naval Observatory. We understand that records not transferred to NARA or kept as courtesy copies by OVP employees were transferred to office space provided by the Government Services Administration (GSA) to the Office of the Former Vice President at 1717 Pennsylvania Avenue NW, Washington, D.C. We understand that among the records transferred to 1717 Pennsylvania Avenue were 28 boxes of correspondence sent to then-Vice President Biden and Second Lady Biden on the occasion of Beau Biden's passing.

We understand that the space allocated by GSA to the Office of the Former Vice President was vacated in mid-2017, roughly coinciding with the opening of the Penn Biden Center. For a short period of time—to our understanding, two to three months—office space at 701 Pennsylvania Avenue NW, Suite 700 was then used, after which time the Penn Biden Center office space on the 6th Floor of 101 Constitution Avenue NW, was completed and opened for use. It is our understanding that materials stored at 1717

Pennsylvania Avenue were transferred to 701 Pennsylvania Avenue and then to the Penn Biden Center space at 101 Constitution Avenue.

The Penn Biden Center was used, occasionally, by President Biden from approximately July 2017 through the beginning of his campaign for the Presidency (which began in April 2019). Once the campaign began, many of the Penn Biden Center employees transitioned to formal or informal roles on the campaign. We understand that, in response to the COVID-19 pandemic, the Center was closed from approximately March 2020 through September 2021.

In the spring of 2022, counsel became aware that, though the Penn Biden Center was no longer being used by the President, materials continued to be stored there, including documents from the 2017 to 2019 period and other personal effects from prior years. Working with White House staff, including personal aides to the President, counsel made arrangements to visit the Center to ascertain what materials were there and arrange for them to be transferred to the appropriate locations, in connection with vacating the Penn Biden offices.

Ultimately, arrangements were made for a visit on October 12, 2022, by Pat Moore, a member of the President's personal counsel team, and (b) (6), (b) (7)(C). Mr. Moore and (b) (6), (b) (7)(C) visited the Center at approximately 1 PM for several hours, for the purpose of ascertaining what was there. Mr. Moore intended to determine the general nature of documents stored at the Center so that he could prepare for a subsequent review of those materials. We understand that (b) (6), (b) (7)(C) intended to determine whether there were materials that could be used by the current White House (e.g., the Democratic National Committee contributes certain items to the White House to be made available as gifts to visitors, like bowls, mugs, and commemorative baby items, and those items from the Obama-Biden era were stored in the offices). Neither Mr. Moore nor (b) (6), (b) (7)(C) reviewed the materials in detail at this time; and neither was aware of or saw any documents with classified markings.

Mr. Moore returned to the Penn Biden Center midday on November 2, 2022, with (b) (6), (b) (7)(C) of Hemenway & Barnes LLP, to review the materials there. They anticipated that personal materials and political or campaign materials would be sent to their law offices in Boston for cataloguing and preservation. During the course of their visit, they packed 9 boxes containing those materials, and sent them via Federal Express to their Boston offices that day. No documents were sent from the Penn Biden Center to Boston without at least an initial review and an initial determination that the materials were not government records; neither Mr. Moore nor (b) (6), (b) (7)(C) saw or knew of any documents containing classified markings in the materials sent to Boston.

During the course of their visit, Mr. Moore and (b) (6), (b) (7)(C) identified three boxes containing documents from the 2009 to 2017 time period; in those boxes were certain documents with classified markings or other indicia of government records. Neither Mr. Moore nor (b) (6), (b) (7)(C) reviewed the substance of any materials bearing classified markings.

Immediately upon identifying documents with classified markings, Mr. Moore contacted his co-counsel, Bob Bauer, who in turn notified the White House Counsel. One or more members of the White House Counsel's Office (WHCO) then notified NARA General Counsel [REDACTED] (b) (6), (b) (7)(C)

[REDACTED] Ultimately, NARA instructed Mr. Moore to lock the materials in a closet within the Penn Biden Center, and to facilitate access to the materials by NARA the following morning. At approximately 9:30 AM on November 3, 2022, two NARA officials retrieved the three boxes in which the possible government records had been located.

During conversations on November 4 and November 5, personal counsel described to NARA officials the materials that remained at the Penn Biden Center, and those that had been sent to Boston (where they were held in Hemenway & Barnes offices, in a locked area containing confidential client records).

By subsequent correspondence on November 7, 2022, NARA requested further access to the Penn Biden Center to review any materials remaining there. That access was facilitated early the following morning. NARA collected 28 boxes of correspondence concerning the passing of Beau Biden and an additional box of documents, including those from the 2009 to 2017 time period. NARA officials appeared to catalogue the remaining materials, but left them at the Center.

[REDACTED] (b) (6), (b) (7)(C)

**OVP Staff We Understand to Have Had
Outgoing Transition Responsibilities**

Steve Ricchetti, Chief of Staff, Office of the Vice President

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

John McGrail, Counsel to the Vice President

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

RE: [EXTERNAL]

From: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C) >
To: "Moore, M. Patrick" (b) (6)
Cc: Bob Bauer (b) (6) >, (b) (6), (b) (7)(C) (NSD)" (b) (6), (b) (7)(C)
Date: Thu, 17 Nov 2022 01:58:20 +0000

Thanks, Pat. As a follow-up to Bob's email below, could you or Bob please put us in contact the appropriate POCs to get authorization for the FBI to do a consent search of the location(s) at the Penn Biden Center where the records dating from the President's time as Vice-President were stored? If possible, the FBI would like to do the search on November 21. Thank you.

Jay

From: Moore, M. Patrick (b) (6)
Sent: Wednesday, November 16, 2022 6:08 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C) >
Cc: Bob Bauer (b) (6)
Subject: RE: [E

Duplicative Material

Duplicative Material

Re: [EXTERNAL]

From: "Lausch, John (USAILN)" (b) (6), (b) (7)(C)
To: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
Cc: "Toscas, George (NSD)" (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (NSD)"
(b) (6), (b) (7)(C)
Date: Thu, 17 Nov 2022 02:32:14 +0000
Attachments: 11.16.2022 Narrative (Final).pdf (25.4 kB)

Thanks Jay. Sounds good. I look forward to connecting tomorrow.

On Nov 16, 2022, at 7:53 PM, Bratt, Jay (NSD) (b) (6), (b) (7)(C) wrote:

Duplicative Material



[EXTERNAL EMAIL] - FW: Authorization for Access to Records

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C), (b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(E)
Date: Tue, 15 Nov 2022 22:05:40 +0000
Attachments: Unnamed Attachment (14.55 kB)

FYI. We are still waiting to hear from Gary whether the email consent from Bob Bauer is sufficient to search the boxes in NARA's custody.

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Monday, November 14, 2022 4:23 PM
To: Gary Stern <garvm.stern@nara.gov>
Cc: (b) (6), (b) (7)(C)(NSD) (b) (6), (b) (7)(C) Bosanko, William <william.bosanko@nara.gov>
Subject: Authorization for Access to Records

Duplicative Material



RE: [EXTERNAL] Re: Introduction

From: (b) (6), (b) (7)(C) (NSD)" <(b) (6), (b) (7)(C)>
To: William Bosanko <william.bosanko@nara.gov>, Gary Stern <garym.stern@nara.gov>
Cc: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C) >
Date: Thu, 10 Nov 2022 02:40:13 +0000

(b) (5), (b) (6), (b) (7)(C)

I'll start another thread with FBI so we can coordinate.

Thanks
(b) (6), (b) (7)(C)

From: William Bosanko <william.bosanko@nara.gov>
Sent: Wednesday, November 9, 2022 8:46 PM
To: Gary Stern <garym.stern@nara.gov>
Cc: Bratt, Jay (NSD) (b) (6), (b) (7)(C) ; (b) (6), (b) (7) (NSD) <(b) (6), (b) (7)(C)>
Subject: Re: [EXTERNAL] Re: Introduction

I will check as to the availability of (b) (6), (b) (7)(C) at Penn-Biden. I will let you know as soon as I hear back, which might not be until early tomorrow. For now, perhaps plan on conducting an interview with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) is likely the most important of the three. As (b) (6), (b) (7)(C) likely also candidates. And then, I have two staff members in Boston (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) I will need to know the names of anyone from your office or WFO who might accompany you. Also, I need to alert our security staff if any of you might be armed. Please let me know and we will work to support you.

I defer to Gary, but I think, for now, we should hold off on accessing any of the actual materials (although observing the boxes is fine to understand what was recovered as to volume and how it was stored, transferred, etc.).

Jay

(b) (6), (b) (7)(C)

On Wed, Nov 9, 2022 at 7:34 PM Gary Stern <garym.stern@nara.gov> wrote:

(b) (5), (b) (6), (b) (7)(C)

On Wed, Nov 9, 2022, 7:21 PM Bratt, Jay (NSD) (b) (6), (b) (7)(C) wrote:

(b) (5)

Thanks.

From: Gary Stern <garym.stern@nara.gov>
Sent: Wednesday, November 9, 2022 7:17 PM
To: (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Cc: Bratt, Jay (NSD) (b) (6), (b) (7)(C) William <william.bosanko@nara.gov>
Subject: [EXTERNAL] Re: Introduction

(b) (6), (b) (7)(C) very nice to meet you. I will coordinate with Jay Bosanko on our end and get back to you, although it may not be until tomorrow morning. To clarify, (b) (5)
?

On Wed, Nov 9, 2022, 6:31 PM (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C) wrote:

Gary, Jay,

Nice to meet you. Please let me know if anyone involved in retrieving the records is available tomorrow, and their connection to the retrieval of the records. I can then start a separate thread with FBI to try and coordinate schedules for an interview. I expect we can be available at any time that works. We can also arrange a time for FBI to review the non-presidential records.

I'm happy to talk by phone if that is easier, and will be available by cell the rest of the evening.

Thanks.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

ction
National Security Division, U.S. Department of Justice

(b) (6), (b) (7)(C)

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)

Sent: Wednesday, November 9, 2022 5:49 PM

To: Gary Stern <vm.stern@nara.gov>; Bosanko, William <william.bosanko@nara.gov>

Cc: (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)

Subject: Introduction

Gary/Jay:

Copied above is (b) (6), (b) (7)(C). He will be working with me on the new matter involving the Penn Biden Center. (b) (6), (b) (7)(C) is reaching out to the squad at the FBI's Washington Field Office that will be handling this investigation. The hope is that (b) (6), (b) (7)(C) and some agents will be able to come (b) (5)

Thanks.

Jay

Jay I. Bratt

Chief

Counterintelligence and Export Control

Section

National Security Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

(b) (6), (b) (7)(C)

FYI - Correspondence from Bob Bauer to Jay

From: "(b) (6), (b) (7)(C) (NSD)" <(b) (6), (b) (7)(C)>
To: (b) (6), (b) (7)(C), (b) (7)(E), (b) (6), (b) (7)(C), (b) (7)(E)
Date: Wed, 16 Nov 2022 20:45:39 +0000

From: Bob Bauer (b) (6)
Sent: Wednesday, November 16, 2022 12:00 PM
To: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Cc: Moore, M. Patrick (b) (6)
Subject: [EXTERNAL]

Duplicative Material



RE: [EXTERNAL]

From: (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
To: "Bratt, Jay (NSD)" (b) (6), (b) (7)(C)
Date: Wed, 16 Nov 2022 22:38:11 +0000

Happy to talk whenever.

(b) (5), (b) (6), (b) (7)(C)

Pat Moore confirmed for Friday, but we still need to set a time and place. Do you want to participate in that interview? He hired counsel from Covington, who may reach out. Do you expect he'll want to have the interview at Covington, or should we insist on WFO / somewhere else?

Thanks,

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, November 16, 2022 4:24 PM
To: (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Subject: Re: [EXTERNAL]

Let's talk. (b) (5)

On Nov 16, 2022, at 3:13 PM (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C) wrote:

Jay –

(b) (6), (b) (7)(C) from NSCLB just called and asked to be kept in the loop about the search consent issues.

(b) (6), (b) (7)(C)

From: Bratt, Jay (NSD) (b) (6), (b) (7)(C)
Sent: Wednesday, November 16, 2022 2:35 PM
To: Lausch, John (USAILN) (b) (6), (b) (7)(C)
Cc: Toscas, George (NSD) (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) (NSD) (b) (6), (b) (7)(C)
Subject: Re: [EXTERNAL]

Duplicative Material

From: [Lausch, John \(USAILN\)](#)
To: [Purdy, Nikita \(OAG\)](#)
Subject: Accepted: Call w/John Lausch

From: [Lausch, John \(USAILN\)](#)
To: [Olsen, Matthew \(NSD\)](#)
Subject: RE: Call
Date: Tuesday, November 15, 2022 6:11:00 PM

I tried your number below, but you were gone. Sorry for not connecting earlier. Happy to talk whenever you land or tomorrow. Thanks,

John

From: Lausch, John (USAILN)
Sent: Tuesday, November 15, 2022 1:58 PM
To: Olsen, Matthew (NSD) (b) (6)
Subject: RE: Call

Sure thing. I am occupied on a case for the next hour or two, but I'll try after that. Thanks,

John

From: Olsen, Matthew (NSD) (b) (6)
Sent: Tuesday, November 15, 2022 12:30 PM
To: Lausch, John (USAILN) (b) (6), (b) (7)(C)
Subject: Call

John –

I am not able to join the call today at 6:30 ET (I will be on a flight).

I am wondering if we find a few minutes to chat at some point this afternoon.

Thanks.

-Matt

Matt Olsen (he/him)
Assistant Attorney General for National Security

(b) (6)

From: [Bratt, Jay \(NSD\)](#)
To: [Lausch, John \(USAILN\)](#)
Subject: Automatic reply: Call Tomorrow
Date: Tuesday, November 15, 2022 12:29:39 AM

I will be out of the office on November 14-15. I will have access to my email, but may be delayed in responding. If this is urgent, please contact (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)

From: [Dollear, Steven \(USAILN\)](#)
To: [Lausch, John \(USAILN\)](#)
Subject: Re: Quick Call
Date: Tuesday, November 15, 2022 7:41:21 PM

Sure. I can call now. Does that work?

Sent from my iPhone

On Nov 15, 2022, at 6:28 PM, Lausch, John (USAILN) <[\(b\) \(6\), \(b\) \(7\)\(C\)](#)>
wrote:

Let me know if you have time for a quick call. Thanks,

John

John Lausch
U.S. Attorney, NDIL
219 S. Dearborn
Chicago, IL 60604
(b) (6), (b) (7)(C)(o)
(m)

From: [Dollear, Steven \(USAILN\)](#)
To: [Lausch, John \(USAILN\)](#)
Subject: Re: Quick Call
Date: Tuesday, November 15, 2022 7:43:29 PM

I just left you a voicemail. I am on my celll- (b) (6), (b) (7)(C)

Sent from my iPhone

On Nov 15, 2022, at 6:28 PM, Lausch, John (USAILN) (b) (6), (b) (7)(C)
wrote:

Duplicative Material



From: [Dollear, Steven \(USAILN\)](#)
To: [Lausch, John \(USAILN\)](#)
Subject: RE: my whereabouts
Date: Wednesday, November 16, 2022 7:41:33 PM

Thanks, John. I will reach out in the morning to meet up.
Steve

From: Lausch, John (USAILN) <(b) (6), (b) (7)(C)>
Sent: Wednesday, November 16, 2022 4:03 PM
To: Dollear, Steven (USAILN) <(b) (6), (b) (7)(C)>
Subject: RE: my whereabouts

Got it. Let's try and talk tomorrow morning. (b) (6) Thanks,

John

From: Dollear, Steven (USAILN) <(b) (6), (b) (7)(C)>
Sent: Wednesday, November 16, 2022 3:46 PM
To: Lausch, John (USAILN) <(b) (6), (b) (7)(C)>
Subject: my whereabouts

John,

I know you have the (b) (6) this afternoon. I just wanted to let you know that I was in the office and had to leave because the (b) (6) is now coming after 3 today (he did not come this am).

So, I am home waiting for him to show up - but I can take a call on my cell at any time. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)