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File Number:

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William "Jay" Bosanko
Chief Operating Officer
National Archives and Records Administration
700 Pennsylvania Avenue, NW
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Greg Jacob
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Dear Mr. Bosanko:

Thank you for your prompt response to my letter dated January 18, 2023 concerning the collection of certain papers containing what appeared to be classified markings found at the residence of Vice President Pence on January 16. When we spoke at noon on January 19, you, together with National Archives General Counsel Gary Stern, explained to me the procedures by which the National Archives has historically taken custody of potential Presidential or Vice Presidential Records—including, most recently, those of President Biden and of former President Trump. You also explained to me the standard procedures by which the Department of Justice has thereafter requested and obtained access to such documents pursuant to the Presidential Record Act ("PRA").

As you are aware, on the evening of January 19, the Department of Justice bypassed the standard procedures and requested direct possession. Even though the Vice President was in Washington, D.C. to attend the March for Life, he still immediately agreed in the interest of ensuring an expeditious collection. FBI agents came to the Indiana residence of Vice President Pence at 9:30 p.m. to collect the documents that had been secured in his safe. The transfer was facilitated by the Vice President's personal attorney, who has experience in handling classified documents, and who conducted the prior review on January 16.

Prior to the Department of Justice's intervention, on our noon phone call on January 19, you suggested that Vice President Pence consider voluntarily providing to the Archives the two boxes in which the records had been found, as well as any other boxes containing copies of Administration papers. You stated this voluntary transfer of papers would permit the Archives to conduct a PRA review to ensure the boxes did not contain any original documents that could qualify as Presidential Records, that the Archives had not already obtained through the records transmission process at the end of the Administration. You assured me that all personal papers and effects of the Vice President would be returned once this review is complete, subject to any legal holds that might temporarily limit their return.

I promptly called you back on the afternoon of January 19 and advised you that the Vice President had agreed to allow the Archives to collect the boxes at the same time that it collected the papers appearing to bear classified markings that had been placed in the Vice President's

safe, so that the Archives could conduct the recommended review. I confirmed that four boxes contained copies of Administration papers: the two boxes in which a small number of papers appearing to bear classified markings had been found, and two separate boxes containing courtesy copies of Vice Presidential papers. The Vice President is, of course, permitted to obtain and retain copies of his own Vice Presidential records at any time. I expressed to you my expectation that the substantial majority of the documents in the four boxes would, upon examination, be found to be personal copies of other records that were previously transmitted to the Archives.

Following the Department of Justice's unexpected collection of the documents from the safe on the night of January 19, I contacted you again on January 20 to reiterate the offer the Vice President had made the day before to transfer the four boxes containing copies of Administration papers to the Archives for a PRA review. You indicated that the Archives did not have the capacity to arrange for the logistics of a near-term collection in Indiana, but that the Archives had determined it would be appropriate for the Vice President's agents to transport the four boxes to Washington, DC.

I will personally deliver the boxes to the Archives between 10:00 and 11:00 a.m. on Monday, January 23. The boxes were sealed at the Vice President's residence in Indiana, following a final review by the Vice President's personal attorney during which attorney-client privileged materials related to personal capacity attorneys, and Article I legislative branch materials, were placed in sealed and clearly labeled envelopes. All of the documents within the boxes, and within the sealed envelopes, remain in the exact place and order in which they were discovered on January 16. The Vice President is not waiving any privileges pertaining to the clearly labeled materials.

The Vice President has requested that I convey his thanks to you for your responsiveness and professionalism throughout your handling of this matter.

Sincerely,

/s Greg Jacob
Gregory F. Jacob
Designated Representative
Pence Vice Presidential records